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Lent by Prof. Robertson
1868.

Lent me by him.
C.S.

* [afterwards Dean of St Paul's
Died August 1871

A MANUAL

OF THE

POLITICAL ANTIQUITIES

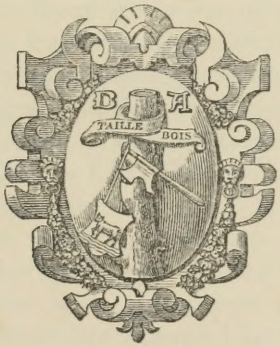
OF GREECE,

HISTORICALLY CONSIDERED.

FROM THE GERMAN OF CHARLES FREDERICK HERMANN,

PROFESSOR IN THE UNIVERSITY OF HEIDELBERG.

Δεῖ δὲ τὸν ἀγαθὸν κριτὴν οὐκ ἐκ τῶν παραλειπομένων δοκιμάζειν τοὺς γράφοντας, ἀλλ' ἐκ τῶν λεγομένων· κἂν μὲν ἐν τούτοις λαμβάνῃ τι ψεῦδος, εἰδέναι διότι κἀκεῖνα παραλείπεται δι' ἄγνοιαν· ἐὰν δὲ πᾶν τὸ λεγόμενον ἀληθὲς ᾖ, συγχωρεῖν διότι κἀκεῖνα παρασιωπᾶται κατὰ κρίσιν, οὐκ ἄγνοιαν. POLYBIUS.



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TRANSLATOR'S PREFACE.

For an account of the plan and pretensions of the work of which a translation is now offered to the public, the reader is referred to the author's own preface. If the translator has succeeded in giving a faithful version, he ventures to expect that the opinion of the public at large will confirm the idea of the merits of this work which first induced him to attempt a translation for his own improvement, and which, he has the satisfaction of knowing, is concurred in by eminent scholars in this country *. The original form and arrangement of the work have been scrupulously adhered to, no liberties having been taken with it, excepting the omission of a few bibliographical notices from the notes of some of the earliest sections, and occasionally afterwards, when the reference was merely to a German translation of an English work, referred to in the same place without any pretension to correction or improvement of its original. In the second note on the fourth section, the translator was induced to substitute a reference to Clinton's Fasti Hellenici in lieu of a long list of old writers on the date of the Trojan war, whose opinions will be found given by him. But even such alterations as this have been avoided throughout the remainder of the work. Additions and corrections furnished by the author himself have been embodied in the translation, which will claim, in this respect, a preference over the present German edition. The author has himself defended in his preface the length

* See, for instance, the Rev. Connop Thirlwall's History of Greece, vol. i. p. 443.

of the notes; the English reader will perhaps wish that they were less intricate: some cautious attempts have been made towards rendering them less so than they are in the original, by breaking up, into two or more, sentences in which several parentheses occurred, sometimes one within another, and a sentence has occasionally been substituted for a note of interrogation or surprise, by which the Author often criticises the opinions or authorities he cites. On all such occasions, however, the Translator deemed it requisite to refer to those opinions and authorities in their originals; and hence, to have done it uniformly throughout the work would have increased unreasonably the labour of translation and the bulk of the notes themselves; these, moreover, not being intended for the general or superficial reader, the translator feared to incur the charge of officiousness by doing it too often. The references to Heeren, Müller, and Boeckh, have been accommodated to the English translations of their works. In the version of the text he has adhered to the original as closely as he could; some may be inclined to think that a little more freedom would have been advisable, but as he neither undertakes to defend nor to impugn the positions of his author, a close adherence to the text was the only safe course in a work of this character.

Oxford, June 18, 1836.

THE AUTHOR'S PREFACE.

That this compendium, like numberless others, is chiefly indebted for its existence to the desire of saving the time and trouble of oral instruction, the author is willing at the outset to acknowledge. He is not, however, aware that he need follow up, or attempt to gloss over this acknowledgement, as is so generally done in books of this description, by specifying his reasons and excuses for having added another to the already numerous list of elementary works. Although far from wishing to detract from the praise due to former writers on this branch of antiquities, he need not remind those conversant with the study, of the gigantic progress which has been made in it, within the last twenty or thirty years, by means of deeper research, fresh discoveries of essentially important matter, and the more elevated and extended view which has been taken of the subject in general. They are also well aware how few of the conclusions thus arrived at have been brought familiarly home to the great body of the philological public. These considerations seem to justify an attempt, the object of which is to collect, as it were into one focus, results which are either buried under a superabundance of learned disquisition in voluminous and costly works, dispersed in scarce treatises, or obscured by the discordance of conflicting opinions and systems. It has been his endeavour to give a concise view of the science in its present stage, in a form calculated to facilitate its general considera-

tion, as well as its examination in detail. Some may regard this attempt as premature or precipitate, and charge the author with an unseasonable *cacoethes scribendi;* he himself, however, is not conscious of having performed his task superficially or carelessly. The very nature of such a composition precludes the possibility of its appearing, at first at least, in anything like a perfect shape, nay more, in the opinion of many, the science itself may seem to comprise many points which have never yet been satisfactorily examined, and to be still too much in its infancy to admit of being systematically treated in a series of comprehensive sketches. In reply to the first objection, the author is well assured that his book will gain more in one year, by exposure to the open light of public criticism, than it would in ten, if imprisoned in the darkness of his desk. Defective then as it is, he ventures to submit it, as he would a manuscript, to the judgment of the philological public, entreating them to aid, by their advice and active co-operation, in giving it a more finished character, than, he freely acknowledges, he can ever give it without further aid from others. As regards the other point, it is his hope and wish to contribute, by means of this work, to bring into clearer juxtaposition the many hiatuses and obscurities, which, while other parts have been copiously treated of, have hitherto been but imperfectly supplied, or partially illustrated, and to incite those whose minds only want a subject for active antiquarian enquiry, to the task of making good these deficiencies. With this view he has neither passed over difficulties not hitherto cleared up, nor concealed new obstacles he himself has met with. To have come to a decision on these several points, would have required a maturer judgment, more ample resources, and greater authority, than his age, his talents, or his situation, warrant him in assuming;

still he trusts he has not only brought forward a considerable amount of new matter, but rescued from oblivion much that had been previously ill understood. Even this could be done only cursorily, his leading idea having been to lay before the learned world, for their acceptance or rejection, not *subjective* views, conjectures, and conclusions, but a faithful *objective* representation of the existing facts, which should be calculated to serve as a basis and starting-point for any favourite view of their own, which may prove to be consistent with historical truth. A mere colourless outline, or simply mechanical connection, is not what one thinking man desires from another; the Author has therefore everywhere mentioned the opinions of others, though erroneous, and, when entirely deserted by historical authority, has endeavoured at least to hold fast the principle of historical fidelity, by candidly setting forth the state of the case, together with the conflicting views on the subject, and the foundations on which they rest. Hence naturally follows the relation this attempt bears to the great classical work on the same subject, the "Hellenic Antiquities" of Wachsmuth. The present treatise so far entirely agrees with that work in the main design of combining, in one regularly connected series, all the results of previous antiquarian research, though it would be presumptuous to institute any further comparison between the two works. If considered merely as a clue through those researches, this work may escape the charge of being superfluous, but must also in that case disclaim the merit of the original disquisitions and reflections by which the above-mentioned highly gifted and deeply learned enquirer has rendered his work so peculiarly valuable, and of the high finish he has also imparted to its details. Only a few points have been treated more at length than by Wachsmuth, the author's ob-

ject having, in general, been to furnish an introduction to that author's elaborate work; and this object he has endeavoured to attain by constant reference to it. The careful examiner, however, will not fail to observe that he is nowhere dependent upon Wachsmuth, and that his materials and manner of treating them are derived from a diligent study of the originals; still, his thanks are due to those who have gone before him, without whose previous labours an undertaking like the present would have been naturally impossible. The author's object has been twofold; to give the philological public a comprehensive survey of the political institutions and internal history of the leading nations of ancient Greece, so far as existing antiquarian remains and the most approved modern investigations have rendered our knowledge of them certain, or tantamount to certain: and, at the same time, to supply the want of a satisfactory abstract of a study so generally interesting to the scientific spirit of the age. Hence arises the consideration of the aspect under which he should wish its use and execution to be viewed by competent judges; and he accordingly subjoins some more detailed particulars of his plan, as well of selection and treatment, as of division and arrangement of the materials. His first request is, that the three parts, the text, the authorities quoted, and the bibliographical information contained in the notes, may be each separately considered. He has endeavoured so to frame the text, as the heart and kernel of the subject, that it may form of itself a connected whole, and be read at pleasure without the notes; whether the reader, not being particularly bent on learned research, is willing to take the information it contains upon trust, or is seeking points of view and connecting links to apply to what he has learned, or has yet to learn. He hopes

that the labour he has bestowed on the attainment of clearness and pregnant brevity, will not pass entirely unnoticed; though he is conscious of having rarely satisfied himself in this particular. However this may be, he has treated the whole subject in a compendious manner, and has himself throughout regarded the text, and wishes it to be regarded and judged of by others, as the principal part, to which the notes are merely supplemental; and whilst in the latter he lays no claim to extraordinary erudition, he trusts on the other hand that he shall not be charged with an idle and wasteful display of quotation. The wish that this work might lead to, and in some degree facilitate renewed individual research and progress, made it appear necessary to print at length the confirmatory or otherwise applicable passages, as often as the limited space permitted; and to furnish as complete a list of authorities as possible, which is, generally, considered indispensable in compendiums, and the use of which in furthering and directing enquiry the author knows by experience. He unreservedly communicates, as public property, whatever bibliographical notices he has collected with this view during some years, though well aware that such information on a subject which has at all times claimed whole treatises for its exclusive discussion, can hardly be ample enough to satisfy the professed bibliographer. From the absurd affectation of making a display of extensive reading, he is as free as from the anxiety to quote nothing unless from actual perusal; and will confidently leave the discerning critic to determine how much he has read and to what purpose. Had Wachsmuth decidedly followed up from the first such a plan of reference as he appears to have conceived in the course of his work, the author would perhaps have modestly kept back his mite; though he believes that the correct biblio-

graphical information this work contains may of itself prove serviceable to many. For its general accuracy he thinks he can vouch, as well as for that of the quotations, as far as is possible in a work of such endless labour. He might, indeed, have spared himself a part of this trouble by curtailing the extracts, but it may be doubted whether this would have been to the advantage of the majority of his readers. For the introduction of confirmatory passages from the original texts, he reckons on the thanks of all, who, feeling with himself the necessity of actual perusal, together with personal and connected examination, of the sources of information, cannot obtain access to the most important of them. Although more might be desired in this particular, he is not aware of having omitted much that is essential; under the head of Attica, for instance, but few of the most important and applicable passages in Petit's collection will be found wanting, and should the indulgence and support of the public reward his exertions, a new edition might easily satisfy every reasonable wish. Some years ago, Graff pursued the same object with regard to external history; notwithstanding which, the author flatters himself that his labours will not be considered superfluous, even if the historical order which he has followed should occasionally lead him into this pre-occupied department. When the book is used and judged of, it should not be forgotten, that, as the title announces, it considers the subject with respect to the established facts of history: a method which the predominant scientific inclination of the age will amply justify in the opinion of the learned. This will account for the permanent institutions which he has undertaken to describe, being here represented as mere "momenta" of a great and continuous political movement and necessary development on the one hand,

and as in a constant state of alternate operation with the occurrences of political history on the other.

To the learning portion of the public for whom he writes, he assumes the particular events, as far as their external connection goes, to be already known, and always mentions them with this understanding. He doubts not, however, but that a teacher might here find the groundwork for a lecture on external history adapted to a more mature audience, inasmuch as a comprehensive inspection of the consequences of events in the external relations of nations on their internal condition, and the mode in which those consequences are produced, and vice versâ, cannot fail of heightening the interest inherent in the former. Epitomes of political history but too frequently succeed only partially, or fail altogether, in the attempt to elucidate this internal connection; and the author consequently thought it might prove far from useless to direct here and there some rays of light on external events, so many of which require the concentration into one focus of every gleam that can be rescued from the darkness of antiquity, and the rather as the domestic history of Greece as a whole is the mere reflex of the political history of its leading states. It is clear, however, that an historical representation of the civil and political *institutions* of the Greeks cannot begin before the era of historical certainty, and if the author has devoted a preliminary chapter to the expedition of the Heraclidæ and its consequences, he most positively disclaims the idea of thereby satisfying any demands which may be made upon him for a description of the ante-historical times. He has in general acted on the principle of discussing each institution separately, and at the time when it first became an effective part of a regularly organized system, even though it may have continued to exist long after, under dif-

ferent circumstances, and he has for this purpose put forward some general points of view, from which the remains and traditions which survived till the historical age may be properly considered. He would by no means be thought to imagine that he has summarily despatched the great questions of the Pelasgi, the Æolians, and Hellenes, Hellenism, Orientalism, and so forth, though he has made no secret of his own opinions on these subjects. He will not, for instance, conceal that he has never been able to convince himself of the *necessity* of the civilisation of Greece having come from the East, and that he is more inclined with Ritter *, to refer the indisputable points of resemblance, on which the probability that such was the case rests to internal rather than to external connection: yet, on the other hand, he is not one of those, who, in order to carry out a principle, seek at any cost to explain away the historical proofs of the *fact*. To the Æolians, whose importance appears to him to be as yet far from sufficiently appreciated, he may at some future time devote his particular attention, as also to several other enquiries, which his present plan does not allow him to pursue further. On the subject of the Amphictyons alone has he taken a somewhat wider range, chiefly with the view of fulfilling a promise announced in his notice of the third number of the Corpus Inscriptionum, (published in the Heidelb. Jahrb. 1829, April,) by stating his views of the functions of the deputies of the confederacy. His having placed the Homeric age not at the end of the ante-historical, but at the commencement of the historical age, will, he thinks, surprise those only who would consider the morning-dawn a part of the night, and not of the coming day. At the same time he would have pre-

* Gesch. d. Philos. i. p. 60. Compare also, Schelling on Wagner's Bericht über die äginet. Bildwerke, p. 7, sqq. (Sttuttg. 1817.)

ferred discussing it before the constitution of Sparta, from his perceiving in the original elements of the latter no essential difference from the general character of the rest of the Grecian states, however alien its subsequent development may appear to that character. He would refer the subsequent changes it underwent to the obstacles which Lycurgus, by the establishment of the Gerusia, threw in the way of the incipient struggle between the democratic and monarchic principles, out of which gradually arose all the various forms of government in the rest of Greece. No one who considers the plan of the work and the nature of the task, will blame the author for not dwelling as long on each particular state as he has on the leading ones of Greece; the collections of Tittmann and Pastoret, show the present defective state of the materials, and even if more might be made of them than those authors either could or would, distinct dissertations would be a more proper form for such subjects than a compendium. Whatever further may be worthy of remark on this head is given in the shape of example in the third chapter, which attempts to supply the want of detailed notices in a manner more suited to a general survey, by a connected sketch of those general forms of laws of which (however they may have been modified by particular circumstances) the internal constitutions of the several states were but the oft repeated and constantly recurring expressions. Herein he has followed Aristotle's Politics, that authentic source from which is also derived our most valuable knowledge of the particulars of this subject, and which is, in the present instance, particularly adapted for supplying the place of historical testimony, since not the least part of the wisdom of that great thinker consists in his profound and true conception of life in its full reality.

The few particulars respecting the colonies contained in the fourth chapter, must not be looked upon as an attempt at a detailed history of them, for they have not the slightest pretensions to be such; indeed, after the causes and accompanying circumstances of their foundation have been considered, it suited the author's plan to dwell only on the positive character assumed by many of their constitutions, by which they themselves, so to speak, were distinguished, as positive states, from the mother country. To prevent this chapter from being disproportionably short, he considered that the insertion of a review of the origin and time and place of the foundation of the principal colonial towns, considered in connection with the parent states, together with the necessary references, might be acceptable to many readers. A few hints on their gradual aggrandisement and final fortunes are also interspersed, which may be enlarged upon at pleasure. Having nothing further to remark on the other chapters of the work, the author concludes this preface with the cordial wish, that his work may contribute its share towards increasing that scientific interest with which it has been written, and with which he trusts it will be received.

Heidelberg, March, 1831.

THE POLITICAL ANTIQUITIES OF GREECE.

INTRODUCTION.

§. 1. The science of Greek Antiquities—ἀρχαιολογία[1]—has, strictly speaking, for its subject the peculiarities and productions of the whole Grecian world of old, par-

ERRATA.

§. 13. *for* Amphictyonie, *read* Amphictyonic.
— 24. n. 9. *for* Phylæ, *read* Phyle.
— 104. extr., *for* they held a fourth court to take cognizance, etc., *read* they held a fourth court in the Prytaneum to take cognizance, etc.
— 133. extr., *for* judge, *read* arbiter.
— 162. n. 17, extr., *read* ibid. ii. p. 288, sqq.
— 185. n. 6, *for* before the sole command of Cerynea was obtained by Marcus, *read* before the sole command was obtained by Marcus of Cerynea.

N. B. In the quotations from Wachsmuth, Tittmann, and others, it will be observed that in the first half of this translation §., in the latter p. has been used; the latter mark should have been used throughout. The error arose from a confusion of the German mark for page with the Roman mark for section.

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THE POLITICAL ANTIQUITIES OF GREECE.

INTRODUCTION.

§. 1. The science of Greek Antiquities—ἀρχαιολογία[1]—has, strictly speaking, for its subject the peculiarities and productions of the whole Grecian world of old, particularly those which are known to us only from history, and not by any remaining works of art[2]. Relics of the last description, irrespective of their value as specimens of art, which is independent of time, are of importance as sources and confirmations of history. History is learnt from them, but they themselves require description, and the name *archæography* has consequently been proposed for the science which treats of them[3]. These sources of history are either written records—monumenta literata—such as manuscripts, coins[4], and inscriptions[5]; or unwritten, as works of sculpture, architecture, and the arts in general[6]. Both are of use to the student of antiquity, but the latter description can be understood and explained only by means of the former: hence the term *archæology* has been appropriated to them in contradistinction to the more general term antiquities[7]. It is moreover evident that antiquarian knowledge, properly so called, is but one branch of that science which, embracing the whole range of the literature and arts of the ancients, comprises also their mythology, philosophy, statistics, and so forth[8]. These several subjects being considered apart, there remains for the antiquarian only to take cognizance of those particulars and pecu-

liarities which, although they, in reality, constitute the individuality of a people, seem at first sight the result of mere caprice and chance; whilst religion, learning, arts, and even political history, are recognised at once as common to mankind at large, and so far necessarily existent in every state.

1) On the word "antiquitates," see F. A. Wolf's Museum d. Alterthumswissenchaft, vol. i. p. 54. The oldest authority for the term *ἀρχαιολογία*, occurs in Plat. Hipp. Maj. p. 285. D: *περὶ τῶν γενῶν, ὦ Σώκρατες, τῶν τε ἡρώων καὶ τῶν ἀνθρώπων καὶ τῶν κατοικίσεων, ὡς τὸ ἀρχαῖον ἐκτίσθησαν αἱ πόλεις, καὶ συλλήβδην πάσης τῆς ἀρχαιολογίας ἥδιστα ἀκροῶνται, κ.τ.λ.* Diodor. Sic. i. 4, distinguishes between *τὰς πρὸ τῶν Τρωϊκῶν πράξεις καὶ μυθολογίας*, and *τὰς τῶν Ἑλλήνων ἀρχαιολογίας*. Comp. also Dionys. Hal. i. p. 13. 6; Plut. V. Thes. c. 1. extr., and Ast's Grundriss der Philologie, (Landshut, 1808,) p. 34.

2) J. A. Ernesti, Archæologia Literaria, (Lips. 1768,) p. 1: Antiquitatis cognoscendæ duplex ratio est: quarum altera instituta, ritus sacros civilesque, mores item publicos privatosque persequitur, ad usum doctrinæ liberalis et prudentiæ civilis; altera autem operum antiquorum reliquias spectat et ad eruditionis copiam et ad ingenii elegantiam; quam Archæologiam literariam appellemus licet. Comp. A. L. Millin, Introduction à l'étude des Monumens antiques, (Paris, 1796,) p. 2.

3) Spohn, Preface to his Miscell. Antiq. (Lugd. 1685, fol.) F. A. Wolf, ut sup. p. 71.

4) Comp. Ezech. Spanheim's Dissertationes de usu et præstantia Numismatum Antiquorum; and the collections of Rasche, Sestini, Eckhel, Mionnet, and others. J. G. Lipsii Bibliotheca Nummaria—usque ad finem Sæc. xviii. (Lips. 1801.) Beck's Grundriss der Archæologie, §. 119—131. On the value and standard of ancient coins, consult the works of J. F. Gron., Jo. Casp. Eisenschmidt, Arbuthnot, J. J. Rambach, Romé de l'Isle, Letronne, J. Fr. Wurm, de pondd. Numm. etc. rationibus apud Græcos et Romanos, (Lips. 1821.) Also Boeckh's Publ. Œcon. of Athens, vol. i. p. 11—44; and Wachsmuth's Antiquities of Greece, ii. 1. §. 69, 70[a].

5) Comp. Franc. Oudendorpii Oratio de Veterum Inscriptionum et Monumentorum usu. (L. B. 1745.) See (besides the collections of Gruter, Reinesius, Fabretti, Muratori, and Donati,) Rich. Pococke, Inscr. Antiq. Græc. et Latin. liber. (Lond. 1752;) P. M. Paciaudi, Monumenta Peloponnesia, (Rom. 1761;) Ben. Passionei, Inscr. Antiche, (Lucc. 1763, fol.;) Rich. Chandleri, Inscr. Antiquæ pleræque nondum editæ in Asia Minore et Græcia, præsertim Athenis collectæ, (Oxon. 1774;) Fr. Osanni Sylloge Inscr. Antiq. Græc. et Latin., (Jenæ, 1822;) H. J. Rose, Inscr. Græcæ vetustissimæ, (Cantabr. 1825;) A. Boeckhii Corpus Inscr. Græcarum, auctoritate et impensis Academiæ Literarum Borussicæ, vol. i. (Berl. 1828;) C. Viduæ Inscr. Antiquæ in Turcico itinere collectæ, (Paris, 1828.) On their interpretation see Scip. Maffei, Siglæ Græcorum Lapidariæ, (Veronæ, 1746.)

6) Besides the elaborate works and engravings of Gori, Visconti, d'Hancarville, Winkelmann, Zoëga, Becker, and others, see Montfaucon's Antiquité expliquée et représentée en figure, (Paris, 1719); de Caylus,

[a] And the Rev. R. Hussey's Essay on the Ancient Weights and Money, (Oxon. 1836.) TRANS.

Recueil d'Antiquités Egyptiennes, Etrusques, Grècques et Romaines, (Paris, 1752-67;) and the Antichità di Ercolano (Napoli, 1757.) The best manual is that by K. Kaercher, (Karlsruhe, 1825.)

7) By J. Ph. Siebenkees, Handbuch der Archæologie, (Nuremberg, 1799.) C. A. Böttiger, Andeutungen zu Vorträgen über die Archæol. (Dresden, 1806;) C. D. Beck, Grundriss der Archæologie, (Leipz. 1816;) G. B. Vermiglioli, Lezioni Elementari di Archeologia, (Perugia, 1822;) K. O. Mueller, Lehrbuch der Archæologie und Kunst (Göttingen, 1830.) Comp. J. C. Gruber's Encyclop. of Greek Antiquities, (Leipz. 1801,) part i. §. 1—40.

8) See F. A. Wolf's Museum, vol. i. §. 1—145; Fr. Creuzer's Acad. Studium des Alterthums, (Heidelberg, 1807.) A. von Steinbüchel, in his Abriss der Alterthumskunde, (Vienna, 1829,) ranges nearly every thing under the two heads of the Arts and Religion.

§. 2. Hence what passed for Greek antiquities before their appropriate and national character had been recognised, was contained chiefly in learned but spiritless compilations, such as the works of Meursius and other early writers collected by J. Gronovius[1]. The formal division, found in most of the systematic works on antiquities of that time[2], into the heads of religious, domestic, civil, and military antiquities, does not compensate for the absence of all information concerning the internal condition of the several states; whilst the want of critical discrimination has in some instances propagated errors for centuries. The same remarks hold good of the treatises and dissertations of that time on particular branches of antiquity, religious[3], military[4], etc. Barthélemy, by his attempt at a uniform connected picture of the domestic life of the ancient Greeks[5], claims the praise of originating a new style of treating that particular branch of antiquity, although a similar attempt was made in Germany almost at the same time, but of a scientific and critical description which the plan of his work did not generally admit. The seeds sown by F. A. Wolf, less, it is true, as an author than as an academical lecturer[6], have grown up fast under the cherishing influence of this age of mighty undertakings; and the exertions now made to consider all the richly varied particulars

of Hellenic life as connected with history[7], and to press them all into its service, in order to obtain thereby a more accurate notion of the national spirit of the Greeks, and of their idea of a state, must ever be considered as affording a classical model of philosophical and scientific industry[8].

1) Thesaurus Antiquitatum Græcarum, contextus et designatus ab Jacobo Gronovio, (Lugd. B. 1694—1702.)

2) The chief works I would here except from this censure are those of Jo. Ph. Pfeiffer, (Königsb. and Lips. 1689,); Potter's Archæologia; and P. Fr. Ach. Nitsch, (Erfurt, 1791,) on the domestic, religious, civil, political, military, and scientific condition of the Greeks, at different epochs. The best manual was for a long time Lambert Bos's Antiquitatum Græcarum, præcipuè Atticarum, descriptio brevis, (Franc. 1714;) last edited by Zeune, (Leipz. 1787.)

3) J. A. Steinhofer, Græcia Sacra, (Tubing. 1734;) J. G. Lakemacher, Antiquitates Græcorum Sacræ, (Helmst. 1734;) Chr. Brunings, Compendium Antiquitatum Græcarum e profanis sacrarum, (Franc. 1734.)

4) I must here, however, recommend J. J. H. Nast's Einleitung in die Griech. Kriegsalterth. (Stuttg. 1780.) Consult also G. G. S. Köpke über das Kriegwesen der Griechen im Heroischen Zeitalter; with its Appendix on the improvements in tactics after Homer's time, (Berlin, 1807.)

5) J. J. Barthélemy, Voyage du jeune Anacharsis en Grèce vers le milieu du 4ième siècle avant l'ère vulgaire, (Paris, 1788.)

6) Comp. the Epistola ad Reizium, prefixed to the edition of Demosthen. Leptin. p. v.; and Hanhart's Recollections of F. A. Wolf, (Basle, 1825.) §. 53—55. His Antiquities of Greece (Halle, 1787,) were intended solely as college lectures, and never completed.

7) Wolf says, (Museum, §. 55,) "in this science the circumstances and governments of nations form the leading idea; history, on the other hand, merely details the succession and order of events. History can take cognizance of passing events, the science of antiquity only of the past. Antiquities are however best considered according to historical periods, since many statements lose much of their probability, unless taken in connection with a certain period."

8) Besides the works of A. Boeckh, and K. O. Mueller, see W. Wachsmuth's Antiquities of Greece, A. H. L. Heeren's Res. vol. iv.; F. Chr. Schlosser's Uebersicht der Gesch. der alten Welt, (Frankf. on the Maine, 1826.) The best manual for general readers is that of H. Hase, (Dresd. 1828;) or the still shorter work by J. M. Rappenegger, Sitten und Gebräuche der Gr. im Alterth. (Heidelb. 1828.)

§. 3. The political and legal antiquities of the Hellenic nation, being the centre to which all other branches of the study converge, must be allowed worthy of distinct consideration, particularly, as, from possessing more ample sources of information respect-

ing them, we can approach nearer to certainty in these branches of our subject than in most others. The treatises of the ancients themselves[1] on their manners, institutions, and governments, are, it is true, with the exception of a few fragments, wholly lost[2]; but, independently of the historians and orators, who form in their absence our chief authority, there is scarcely a writer of the better period of Greek literature, but contains numerous allusions to the public life of his times[3], and when this description of literature began to fail, its place was supplied by the diligence of compilers, the fruits of whose industry remain to us in the works of the scholiasts on the classics, and of the lexicographers Pollux, Harpocration, Hesychius, Suidas, and others[4]. After the revival of literature too, the learned soon turned their attention to the institutions of the Greek states[5], and though the species of compilations we have noticed neglected and excluded criticism, still several collections remain[6] to attest the interest that was taken in the study of the internal condition of ancient states. About the end of the seventeenth century, however, this spirit decayed, and the attention of the learned was turned exclusively to subjects which suited the rhetorical moralizing genius of the times[7]. The period of its revival begins with the awakened interest respecting the political history of Greece, which arose, particularly in England, in the latter half of the eighteenth century[8]; and the works which appeared in that country, notwithstanding their defects, are far superior to the pert dogmatism of the generality of French writers[9]. Still some points of the internal history of Greece have been most ably handled by the latter, both among the earlier contributors to their Academy, and still more by the later. But the literature of Germany, responding to the summons already noticed, has by far surpassed that

of all other countries, both in excellent essays and in learned and original developments of the political antiquities of the ancients, although it is probable many have taken erroneous views of their subject[10].

1) Comp. Heynii Opusc. Academ. t. ii. p. 383, sq.; Boeckh, in Platon. Minöem, p. 81; Wachsmuth, Ant. ii. 1. p. 438, sqq.

2) Aristotelis Rerumpublicarum reliquiæ; collegit, illustravit atque prolegomena addidit C. F. Neumann, (Heidelb. 1827;) Heraclidis Pontici Fragmenta de rebus publicis, ed. G. D. Koeler, (Hal. 1804.)

3) W. Wachsmuth de Pindaro Reipublicæ constituendæ et gerendæ præceptore, dispp. i. et ii. (Kiliæ, 1823-24.;) A. L. G. Jacob, de Tragicorum Græcorum cum Republica necessitudine, in his Quæstt. Sophocleis, (Varsav. 1821,) p. 159, sqq.; H. Th. Rötscher, Aristophanes und sein Zeitalter, (Berlin, 1827.)

4) The ἐπιχώριαι γραφαί, as they are called by Dionys. Halic., such as the Κτίσεις, Ατθίδες, and others. See Siebelis de Ατθίδων scriptoribus, (Budissæ, 1812;) also prefixed to the Fragments of Phanodemus, (Lips. 1812.)

5) See Gron. Thes. t. iv—vi. The great Sigonius led the way.

6) Græcorum Respublicæ ab Ubbone Emmio descriptæ, (Lugd. B. 1632,) 16.—; Barthol. Keckermanni Diss. de rebus publicis sexaginta, Græcis præsertim; in his Diss. Politt. (Hanoviæ, 1622,) p. 69—124; Er. Vindingii Hellen; in Gron. Thes. t. xi. p. 1—564.

7) There were some honourable exceptions, as Jul. Carl Schläger in Helmstädt, J. Tob. Krebs in Grimma (s. Opuscula academica et scholastica, Lips. 1778.)

8) Goldsmith, Gillies, Mitford.

9) Mably, Observations sur l'Histoire de la Grèce, (Genève, 1766, and 1798;) Turpin, Histoire du Gouvernement des anc. Républiques, (Paris, 1769;) De Pauw, Recherches philosophiques sur les Grecs, (Berlin, 1787,) Marq. de Pastoret, Histoire de la Législation, t. v—vii. (Paris, 1824,) of which see Platner's Review in the Tubinger Jurist. Zeitschrift, v. 1. §. 1—27.) A still better work is P. Ch. Levesque's Etudes de l'Histoire ancienne et de celle de la Grèce, de la Constitution de la République d'Athènes et de celle de Lacédémone, (Paris, 1811.)

10) Fr. Kortüm, Geschichte hellenischer Staatsverfassungen, hauptsächlich während des peloponnesischen Krieges; Fr. W. Tittmann, Darstellung der griechischen Staatsverfassungen. Comp. also J. G. Herder's Ideen zur Philosophie der Geschichte der Menschheit; K. D. Hüllmann's Staatsrecht des Alterthums; K. Volgraff, antike Politik, oder Politik der Griechen und Römer, §. 1—202; H. G. Reichard's Erinnerungen, Ueberblicke und Maximen aus der Staatskunst des Alterthums, §. 19—154.

CHAPTER I.

A brief view of the political state of Greece in the period antecedent to written history, so far as it can be ascertained from traces remaining in historical times.

§. 4. If the history of a nation can date only from the time at which its chronology becomes regular and consistent[1], Greece can scarcely be said to have a history of its own before the Trojan war[2]. Although not a few of its earlier traditions may be founded on fact, and contain traces of real transactions[3], these are so interwoven with myths and enveloped in allegory, that the most penetrating genius is incompetent to restore them to a complete and connected historical whole[4]. This remark is still more applicable to the domestic history of a people. There can be none till a nation has by its own spontaneous energy attained that individuality, in which, by displaying peculiarities of character, it becomes distinct from all others[5]. In the case of the Greeks, this national character was developed through a course of violent commotion, revolution, and migration, closing with the invasion of the Heraclidæ and its consequences[6]. From that time the name Hellenes was applied in its more extended acceptation to the inhabitants of Greece at large; their previous history is the same with that common to all nations on first emerging into existence, and up to that time a certain degree of what is called the Oriental character must be recognised in their social relations and institutions, though it is not pretended that we may hence decide the question concerning the connection between Greece and the East[6].

1) Hence not only modern but ancient writers date the historical times from the Olympic æra, B. C. 776. African. ap. Euseb. Prep. Evang. x. 10. *μέχρι μὲν Ὀλυμπιάδων οὐδὲν ἀκριβὲς ἱστόρηται τοῖς Ἕλλησι, πάντων συγκεχυμένων καὶ κατὰ μηδὲν αὐτοῖς τῶν πρὸ τοῦ συμφωνουμένων*; and so Varro, (ap. Censorin. de die nat. c. 21,) tria discrimina temporum: primum ab hominum principio ad cataclysmum priorem, quod propter ignorantiam vocatur *ἄδηλον*; secundum a cataclysmo priore (Ogygio) ad Olympiadem primam, quod, quia in eo multa fabulose referuntur, *μυθικὸν* nominatur; tertium a prima Olympiade ad nos, quod dicitur *ἱστορικὸν*, quia res in eo gestæ veris historiis continentur. Comp. Boivin in Mém. de l'Acad. des Inscript. t. ii. p. 412; and Potocki Principes de Chronologie pour les tems antérieurs aux Olympiades, (Petersb. 1810.) Before the Olympic æra came into use writers generally reckoned by generations, of which three went to a century, according to Herodot. ii. 142; but other authors vary more or less from this rate: comp. Lindenbrog. ad Cens. l. c. c. 17, and others cited by Marx ad Ephor. Frgm. p. 76, and Goeller de situ Syracus, p. 197; also Gibert in the Mém. de l'Acad. des Inscr. t. xix. pp. 4, 5. Hence the genealogies in Acusiläus, Pherecydes, Hecatæus Milesius. Hellanicus seems first to have sought a surer basis in the succession of the priestesses of Juno Argiva. Afterwards the kings and ephors of Lacedæmon, or archons of Athens were followed, until Timæus, B. C. 260, by reducing all these various modes of reckoning to the computation by Olympiads (Polyb. xii. 12,) furnished Grecian history with a fixed æra. Eratosthenes made the same the foundation of his *χρονογραφίαι*, so likewise Apollodorus and others. These chronologists did however reckon from the Olympic æra backwards as well as forwards, especially after the return of the Heraclidæ had been fixed by Ephorus as the remotest limit to which historical records reached.

2) According to Herodotus, vii. 171, the capture of Troy took place three generations after Minos; according to Cato, (apud Dionysium Halicarnasseum, i. 74,) 432 years before the foundation of Rome; according to Eratosthenes, who is followed by Diodorus, Eusebius, and most other writers, 408 years before the Olympic æra, which would fix it to B. C. 1184, J. P. 3531. On this date depends that of the invasion of the Heraclidæ, which all accounts agree in placing eighty years after the fall of Troy, (see Marx, ad Eph. Fragm. p. 81.) Beyond the time of that invasion, the more sensible among the Greeks did not attempt to trace their chronology, *διὰ τὸ μηδὲν παράπηγμα παρειληφέναι περὶ τούτων πιστευόμενον*, (Diod. Sic. i. 5, where see Wesseling.) Chronologists were not wanting, however, who endeavoured to ascend higher by means of local legends, and the genealogies of royal families, especially after they became acquainted with the Babylonian, Egyptian, Jewish, and other computations more ancient than their own. Such was the author of the Parian Chronicle, (a monument of the year 263. B. C.) who ascended to the time of Cecrops; and the universal Chronicles of Eusebius Pamphilus, (comp. Spittler in Comm. Acad. Gött. 1786, tom. viii. p. 39—67; B. G. Niebühr in the Abhandl. der Berl. Acad. 1819; and his Kleinere Historische und Philolog. Schriften, vol. i. §. 179—304); of Georgius Syncellus, (Hist. Byzant. tom. v.) and Johannes Antiochenus Malelas, (Græcè et Latinè cum notis E. Chilmeadi, Oxon. 1691.) (Comp. Bentl. Epist. ad Jo. Millium in Opuscc. p. 453—535; and the Chronicon Paschale (Alexandrinum) or Fasti Siculi, edited by C. Dufresne, (Par. 1688, fol.) These authorities were followed by the earliest modern writers on the subject, whose systems were first invalidated by Newton, in his "Chronology of the Ancient Kingdoms amended." Not however without great opposi-

[b] See Clinton F. H. vol. i. p. 123—140. TRANS.

tion, particularly on the part of the French literati; see Abrégé de la Chronologie de M. Newton avec les Observations de M. Fréret, (Paris, 1725;) Fréret, Défense de la Chronologie contre le système de Newton, (Paris, 1758;) De Bougainville, Vues générales sur les Antiquités grècques du premier age et sur les premiers historiens de la nation grècque considérés par rapport à la Chronologie, (1760,) in the Mém. de l'Acad. des Inscr. t. xxix. p. 27, sqq. Clinton, on the other hand, has lately defined the period of historical certainty in the affairs of Greece to commence with the usurpation of Pisistratus; see in particular his Introd. to vol. ii. pp. iii—vii. On the technicalities of Greek Chronology, see Ideler's Handbuch, (Berlin, 1825,) vol. i. pp. 227—329.

3) Rabaut de St. Etienne Lettres sur l'Hist. primitive de la Grèce, (Paris, 1787;) Chr. G. Heyne, Temporum mythicorum memoria a corruptelis nonnullis vindicata, in Comm. Soc. Gött. t. viii. p. 1, sqq.; Id. de fide historica ætatis mythicæ, ibid. t. xiv. p. 107—120; Id. Sermonis mythici s. symbolici interpretatio ad causas et rationes ductasque inde regulas revocata, ibid. t. xvi. p. 285, sqq.; G. Hermann de mythologia Græcorum antiquissima, (Lips. 1817;) and, De Historiæ Græcæ primordiis, (1818,) Opuscc. t. ii. pp. 167—216; C. D. Beck, Obss. historicæ et criticæ, (Lips. 1821.) K. O. Müller, Prolegomena zu einer wissenschaftlichen Mythologie, (Göttingen, 1825.)

4) See, for instance, the attempt of Larcher, Hérodote, t. vii. (Paris, 1802;) and after him, Raoul-Rochette, Hist. crit. de l'établ. d. col. Grècques, (Paris, 1815,) t. i. ii.; Clavier's Apollodorus, (Paris, 1805;) and Hist. des premiers temps de la Grèce depuis Inachus jusqu' à la chûte des Pisistratides, avec des tableaux généalogiques (on the principles laid down by Fréret in Mém. de l'Acad. des Inscr. t. xlvii. p. 1. sqq.,) (Paris, 1822;) Chr. Dan. Beck, Earliest History of Greece down to the first foreign migrations into it, in his Welt-und Völkergeschichte, (Leipz. 1813;) Petit-Radel, Examen analytique et critique et tableau comparatif des synchronismes de l'histoire des temps héroïques de la Grèce, (Paris, 1827;) reviewed by Schubarth in the Wiener Jahrb. 1829, vol. xlvii.

5) What are the times depicted in the Homeric poems? Comp. Wachsm. Gr. Ant. §. 300. Are they to be considered as the commencement of the new Hellenic era, or did not rather that mighty revolution in Greek society occur at a later period to which the notions of a higher antiquity were falsely ascribed? See on one side of this question, Creuzer's Symbolik, (Darmst. 1821,) ii. p. 417, sqq.; and, on the other, Schubarth über Homer und sein Zeitalter, §. 35, sqq.; Chr. A. Lobeck's Aglaophamus, seu de causis mysteriorum, (Konigsb. 1829.)

6) On the connection between Greece and the East, see Hüllmann's Anfänge; Ph. Buttmann on the Mythical connection between Greece and Asia, in the Abh. der Berl. Akad. 1819, and his Mythologus, ii. 168—193; also Creuzer's Symbolik, ii. p. 282, sqq. In this inquiry there are two questions which should be kept distinct: First, that respecting the oriental origin of the population of Greece itself; according to which Inachus has been identified with Enak; Japetus with Japhet; Pelasgus with Phaleg; (comp. Gibert sur les premiers habitans de la Grèce, in the Mém. de l'Acad. des Inscr. xxv. 1—16;) and, on the question whether the country was peopled over land through Thrace, see Heyne Suspiciones de Græcorum origine a septentrionali plaga repetenda in Comm. Soc. Gött. viii. p. 20, sqq.; Beck's Weltgeschichte, §. 230, sqq.; C. Ritter's Vorhalle Europ. Völkergeschichten vor Herodotus um den Caucasus und an dem Gestade des Pontus, (Berl. 1820.) The second question relates to the influence of subsequent migrations from Egypt, Phœnicia, and other parts.

Schnitzler, on the Colonization of ancient Greece, in Schölls Geschichte d. Gr. Literatur, brings Cecrops, Cadmus, and Danaus, from Thrace. Inachus has been placed as high as 1986, B. C. (Comp. Petit-Radel sur l'origine Grecque du fondateur d'Argos, in the Mém. de l'Institut. t. ii. p. 1—43.) Danaus at 1600, Cecrops at 1582, Cadmus at 1500, Pelops at 1300; Comp. Raoul-Rochette, l. c. i. p. 60—145. See, on the other hand, K. O. Müller, Orchomenus and the Minyæ, §. 106—122; Prolegomena, §. 146, sqq., 175, sqq., 182, sqq. Compare also Wachsm. Antiq. i. 1. §. 35—73.

§. 5. Most important in this respect is the inquiry whether the inhabitants of Greece in the ante-historical period recognised divisions corresponding to the Indian castes [1], a distinct priesthood, for instance, the most ancient testimony to which is found in Plato's Timæus [2]. This hypothesis has many opponents who hold it to be irreconcileable with the national character of the Greeks in historical times [3]: yet even these are by no means barren of detached evidences of the fact; an allusion to the four tribes of Attica may suffice in this place [4]. At a later period not only were certain orders of priesthood [5] in many states hereditary, but other offices, arts, and professions [6], were, in like manner, peculiar to certain families, whose claims to an exclusive exercise of them generally ascended to a fabulous origin. We moreover find "pupil and son" for many successive generations designated by the same term, and closely connected with the exclusiveness and monopoly of many professions is the little respect [8] in which they were, in some instances, held by the rest of the people, a circumstance which Greek authors themselves compare with the prejudice of caste prevalent among other nations [9]. It is acknowledged that in historical times Greece never presents a general organisation of society even remotely similar to that of castes, but this concession is by no means inconsistent with our original hypothesis, which went no farther than to consider certain characteristic peculiarities of Greece as relics of such a state of society [10].

1) Chr. Meiners de Causis, etc. ordinum sive Castarum in Ægypto et India, in Comm. Soc. Gött. t. x. pp. 184—199.

2) Page 24. A.: Πολλὰ γὰρ παραδείγματα τῶν τότε παρ' ὑμῖν ὄντων ἐνθάδε νῦν ἀνευρήσεις, πρῶτον μὲν τὸ τῶν ἱερέων γένος ἀπὸ τῶν ἄλλων χωρὶς ἀφωρισμένον, μετὰ δὲ τοῦτο τὸ τῶν δημιουργῶν, ὅτι καθ' αὐτὸ ἕκαστον, ἄλλῳ δὲ οὐκ ἐπιμιγνύμενον δημιουργεῖ, τό τε τῶν νομέων, καὶ τῶν θηρευτῶν, τό τε τῶν γεωργῶν, κ. τ. λ.

3) Feodor Eggo, Untergang d. Naturstaaten, (Berl. 1812,) §. 103—168; Schubarth, §. 52, sqq.; Tittmann, §. 567—664; C. D. Beck. Obss. hist. crit. p. 12, sqq.; Chr. H. Weisse, Diss. Diversa naturæ et rationis in civitatibus constituendis indoles e Græcorum historiâ illustrata, (Leips. 1823,) p. 108, sqq.; Wachsm. Ant. i. 1. §. 80; G. Hermann. Præf. ad Eur. Ion. p. xxvii—xxx.; Vollgraff, Antike Politik, p. 53, sqq.

4) Of these we shall have occasion to speak below: meantime comp. Hüllmann, §. 238, sqq.; Schömann de com. Ath. p. 355, sqq.; Platner's Beiträge, §. 43, sqq.; Wachsmuth, Ant. i. 1. §. 224, sq.; E. C. Illgen, disqu. de tribubus Atticis earumque partibus spec. (Lips. 1826,) pp. 8, 9.

5) Schol. Æschin. adv. Timarch. p. 47. 2: Οὐ παντὶ βουλομένῳ ἐξῆν ἱερᾶσθαι, ἀλλὰ τῷ ἐκ γένους καταγομένῳ ἱερατικοῦ.—Comp. Eclaircissemens généraux sur les familles sacerdotales chez les Grecs, in the Hist. de l'Acad. d. Inscr. t. xxiii. §. 51, sqq.; J. Kreuser, on the Hellenic Priesthood, (Mainz, 1822.)—For the genealogies of these families see Tittmann, §. 605—616, and Wachsmuth's Antiq. ii. 2. §. 302—306. The opponents of the theory of castes derive these orders of priesthood from the ministers of private rites, which had become in course of time public ceremonies. See K. O. Müller de sacris Minervæ Poliadis, (Gött. 1820,) pp. 9—12; conf. Prolegg. §. 249—253. Lobeck (Aglaoph. i. 266) goes still farther.

6) As, for instance, the Homeridæ in Chios, the Asclepiadæ in Cos, (K. Sprengel's Gesch. d. Arzneikunst, vol. i. §. 215, sqq.,) the Dædalidæ, (Platon. Euthyphr. p. 11. C., Alcib. prior. p. 121, A.) and the Eunidæ (Harpocr. s. v.) in Athens, the Iamidæ and Clytiadæ in Elis, (Creuzer. ad Cic. de Divin. i. 41,) the Talthybiadæ in Lacedæmon, (Herod. vii. 134. coll. vi. 60, from which place it would seem that in that state the professions of cooks and fluteplayers were also hereditary.)

7) Hence the circumlocutions, ἰατρῶν παῖδες, ζωγράφων, and others, for ἰατροὶ, ζωγράφοι, etc. Böttiger, Ideen zur Archäologie der Malerei, §. 136; compare Wachsm. Ant. i. 1. §. 321; Krabinger ad Synes. de Regno, p. 292, and my notes on Lucian. de Hist. Scrib. p. 92.

8) That physicians were hereditary slaves is seen from Plato de Legg. iv. p. 720, B.: for the little respect shown them see Gorg. p. 512, coll. Herod. ii. 47.

9) Thus Herodot. ii. 167, compares the contempt in which manual labour was held by the Greeks with the grades of the Egyptian castes, χειρότεχναι, χειρώνακτες, βάναυσοι, comp. Perizon. ad Æl. V. H. vi. 6, Heind. ad Plat. Theætet. p. 402. Ast, ad eund. de Legg. p. 265, Reynders, ad Sympos. p. 104.—Diod. (i. 28) and Plut. (v. Lycurg. c. 4) trace the distinction of ranks in Athens and Lacedæmon from Egypt, as Isocr. had done before them, Busir, p. m. 352. These authors, however, have completely confounded rank and caste.

10) A. W. v. Schlegel thus enumerates the successive gradations through which Greek society passed; 1. The sovereignty of the priest-

hood, as in the oldest Hellenic times. 2. The supremacy of the warrior castes during a few generations prior and subsequent to the Trojan war. 3. This supremacy lost and government by kings abolished, introducing the republican period. (Heidelb. Jahrb. 1816. §. 856.)

§. 6. The data from which inferences concerning the earliest history of the nations of Greece may more confidently be drawn, are those afforded by the physical features of the country [1], inasmuch as these set limits to the development of national and political distinctions, and served as one uniform basis for all their changes, although the ultimate condition of the country itself, no less than that of its possessors, was the result of fearful convulsions and revolutions, the memory of which was perpetuated in legend [2]. Among these data, for instance, is the nature of the coast, of which the extraordinary extent [3] and numerous bays could not but early direct the attention of its inhabitants to the sea, whose wide waste presented them with a far different arena from the narrow and mountain-girt districts of their land [4]. This circumstance is of itself sufficient to explain the great proficiency in nautical affairs which evidently existed among the Greeks in and before the Homeric times [5], and the reputation attached (as Thucydides and others inform us) to a piratical life [6]. Of the tribes which claim peculiar notice [7] in this respect, the Tyrrhenian Pelasgi [8] are involved in the greatest obscurity both in point of time, race, and origin [9]: rather more distinct, though remote, is the antiquity of the Carians and Leleges [10], whose naval empire was destroyed by Minos king of Gnossus [11], about B. C. 1250 [12], and who, from being possessed of all the shores and islands of the Archipelago, were confined by him to a narrow district on the coast of Asia Minor [13].

1) See Mannert's Geography, vols. vii. and viii.; Wachsm. Ant. i. 1. §. 1—24; and, for a more detailed description, F. C. H. Kruse's Hellas, (Leipz. 1826.) and his Fragm. über mehrere für das höhere Alterth.

wichtige Verhältnisse im heut. Gr.; Müller's Orchom. §. 21—51, and 478—500; and H. Reinganum's Megaris, (Berl. 1825;) Leake's Travels in the Morea, (Lond. 1830.) Consult also the Works of Spohn, Wheeler, Bartholdy, E. D. Clarke, Chandler, Robert Walpole, Dodwell, Choiseul Gouffier's Voyage Pittoresque de la Grèce, (Paris, 1779,) and the Voyage litéraire de la Grèce, ou Lettres sur les Grecs anciens et modernes, avec un Parallèle de leurs mœurs, par A. Guys, (Paris, 1771.)

2) Such were the legends of Ogyges and Deucalion, and the whole series of Myths concerning Neptune and Vulcan. More than one city boasted like Athens of having been rescued by its guardian deity from the fury of Neptune. Comp. Paus. ii. 1. 6; 4. 7; 15. 5; 30. 6; 33. 2. The shell formations of Megara (Pausan. i. 44. 9) exhibited proofs of this. Comp. Wachsm. Ant. §. 1. On the earthquakes Greece had experienced comp. Aristot. Meteor. ii. 7, 8; Strab. i. p. 104; Plin. Hist. N. ii. 81—86; Pausan. vii. 24. 6.

3) Amounting to 720 geographical miles, whilst the extent of the French coast is but 275; that of the Swedish, 390; of the Italian, 580. Of these the Peloponnesian coast alone comprised 140, or, according to Strabo, viii. p. 516, above 5600 stadia; comp. Müller's Dor. vol. ii. p. 425, sqq.

4) Clinton, F. H. vol. ii. p. 385, after Arrowsmith, assigns 5674 English square miles to Thessaly, 6288 to Central Greece, 1410 to Eubœa, 7779 to the Peloponnesus, and 1080 to the small islands on the coast, making a total of 22,231 English, or 1050 geographical square miles.

5) Compare Berghaus, Gesch. der Schiffahrtskunde, (Leipzig, 1792;) Wachsm. Ant. ii. 1. §. 59, sqq.; still it was a constant rule with mariners, *μὴ πελαγίζειν*, Strab. i. p. 82, B.

6) See Thucyd. i. 5, with the commentaries; also the stories with which Herodotus commences his history. The Argonautic expedition seems to have been solely commercial: comp. Müller's Orchom. §. 285—298. There are no traces of this state of things in Homer, who uses *ἔμπορος* only in the sense 'vector.' Comp. Duport. Prælect. ad Theophrast. Char. c. vi.; Alberti ad Hesych. t. i. p. 1205.

7) On the *Θαλασσοκρατίαι* in general, see Heyne super Castoris epochis populorum *θαλασσοκρατούντων*, in Nov. Comm. Soc. Gött. t. i. p. 66—95; ii. p. 40—71; they are reckoned to have been seventeen after Minos, viz. the Lydians, Pelasgi, Thracians, Rhodians, Phrygians, Cyprians, Phœnicians, Egyptians, Milesians, Carians, Lesbians, Phocæans, Corinthians, Ionians, Naxians, Eretrians, Æginetæ[b].

8) On the maritime and piratical character of the Tyrrhenians comp. Homeri Hymn. vii. 8; Dionys. Hal. Arch. Rom. i. 25; Apollod. iii. 5. 3. —Müller's Etrusker, i. §. 82—85.—But in those passages it is evident that the Etruscans have in some measure been confounded with them; on this point see Niebuhr's Rom. Hist. vol. i. p. 107, sqq.; Ebert, Diss. Siculæ, (Königsb. 1825,) pp. 33, 34.

9) Comp. Müller's Orchom. §. 437—449; Wachsm. i. 1. §. 308, sqq. On their stronghold in Attica (*πελαργικὸν τεῖχος*) the chief authority is Herod. vi. 137; comp. Meurs. Lectt. Att. vi. 1; Intpp. ad Aristoph. Aves, v. 831; Siebelis ad Philoch. Fgm. p. 14. They at last found a quiet shelter, about the time of the Heracleid invasion, in the islands Lemnos and Imbros. See Müller, §. 307, sqq.; Rhode, res Lemnic. (Vratisl. 1829,) pp. 43—49.

[b] See Clinton, F. H. vol. i. p. 23. n. s. TRANS.

10) Even the ancients were not agreed concerning the connection between these two names, Strabo, vii. p. 495. B.: Τοὺς δὲ Λέλεγάς τινες μὲν τοὺς αὐτοὺς Καρσὶν εἰκάζουσιν· οἱ δὲ συνοίκους μόνον καὶ συστρατιώτας. Comp. Raoul-Rochette, i. pp. 378—390; Wachsmuth, i. 1. §. 30; Philol. Mus. Camb. 1831, vol. 1. p. 109.

11) Comp. I. Meursii Creta, Cyprus et Rhodus, (Amstel. 1675,) iii. 3. p. 127, sqq.; Jo. Henr. Bœcleri Diss., Minos maris dominus (Argent. 1710.) in Dissert. Acad. t. ii. p. 1073; Heeren's Res. Greece, p. 69, sqq.; Hoeck's Creta, Bd. ii. (Göttingen, 1828) §. 181, sqq. Was Minos the legislator (Davis. ad Cic. Tusc. ii. 13; Ast. ad Plat. de Legg. p. 7.) a distinct personage from Minos the sovereign of the seas? Comp. Plut. v. Thes. c. 20; Diodor. Sic. iv. 60, (but comp. v. 78.)—See Banier, Distinction des deux Minos, in Hist. de l'Acad. des Inscr. t. iii. p. 49, sqq.; Larcher, Hérodote, t. vii. p. 338, sqq.; Manso, i. 2. §. 99; Beck, Welt-u. Völkergeschichte, §. 885; Ste. Croix des Gouv. fédér, p. 335—338.

12) According to Eusebius; three generations before the capture of Troy according to Herod. i. 171; conf. Hom. Il. xiii. 450; Odyss. xix. 178.

13) Herod. i. 171; Thucyd. i. 4. 8; Arist. Polit. ii. 7. 2; Strab. xiv. p. 976, A.; Diod. Sic. (v. 84.) is wrong.

§. 7. Accordingly, as far as history can direct our view, we see the inhabitants of the interior separated into as many independent clans as the country itself was divided by its mountain chains into valleys and districts; a state of separation which, whether it existed in the period just alluded to, or first resulted from revolutions in which that period terminated, exerted a real and extensive influence on the whole subsequent history of Greece, notwithstanding its partial disappearance on the rise of larger states formed by coalitions against a foreign enemy [1], or arising from increased intercourse. Again, although the prevalence of the same language argues a common origin, there is no historical evidence of the fact [2], and the Pelasgi cannot be considered as the parent stock, since besides them we meet with the Leleges [3] and Carians [4] already mentioned, the Curetes [5], Epæi [6], Caucones [7], and numerous other independent races [8]; so that no more can be asserted of the Pelasgi than that, owing partly to the greater extent of their possessions [9], (comprising the Peloponnesus and Thessaly [10],) and partly, it would seem, to their greater civilisation [11], they were far superior to the others [12].

1) It was well observed even by Thucydides that Homer did not use *βάρβαρος* in its classical sense: *διὰ τὸ μηδὲ Ἕλληνάς πω ἀντίπαλον εἷς ἓν ὄνομα ἀποκεκρίσθαι.* He certainly calls the Carians *βαρβαρόφωνοι*, Iliad, B. 867; but from that very passage, the original import of the word (*strange*) is made apparent; comp. Strab. xiv. p. 977. B.; Heyne ad Iliad. t. iv. p. 435; Goeller. in Actt. Philoll. Monacc. t. ii. p. 208. Subsequently all mankind was distinguished into Hellens and barbarians; see Platon. Politic. p. 262. D.; Strab. i. p. 116. A.; Fabric. ad S. Empir. adv. Math. viii. 187. p. 493; and the Hellen was by birth not only the foe, (Demosth. adv. Mid. c. 14; Platon. Republ. v. p. 470. C.; Isocr. Panath. c. 66. p. 634,) but also the lord of the barbarian, Arist. Polit. i. 1. 5: *διό φασιν οἱ ποιηταὶ· βαρβάρων δ' Ἕλληνας ἄρχειν εἰκὸς* (Eur. Iph. Aul. 1379), *ὡς ταὐτὸ φύσει βάρβαρον καὶ δοῦλον ὄν.* Conf. ibid. i. 2. 18. and J. L. G. de Geer diatr. in Polit. Platon. Princ. (Traj. ad Rh. 1810,) p. 182. On this subject in general, see F. Roth über Sinn und Gebrauch des Wortes *βάρβαρος*, (Nürnberg, 1814;) C. Ritter's Erdkunde, i. p. 554, sqq.; Wachsmuth's Antiq. i. 1. §. 139, sqq.

2) Comp. H. G. Plass, Vor-und Ur-geschichte der Hellenen (Leipz. 1831) §. 13—41.

3) Who were scattered over almost all Central Greece; according to Aristot. ap. Strab. vii. p. 495. C., as far as Acarnania, where were the Teleboæ of their race, Strab. x. p. 708. A.; also in Laconia, comp. Paus. iii. 1. 1.

4) In Megara, whence the Demus Caria, Paus. i. 39. 4; 40. 5; in Hermione and Epidaurus, Strab. viii. p. 574. C.; comp. Plass, §. 182.

5) In Ætolia (Hom. Il. ix. 529) and Eubœa; consult Strab. x. p. 713, sqq.; Dionys. Hal. i. 17, unites them with the Leleges; comp. Tittmann on the Amphictyonic League, §. 56. On the difference between them and the Corybantes in Crete, see Hoeckh's Creta, i. 3. 198, sqq.; Lobeck's Aglaoph. ii. p. 1111, sqq. Plass, indeed, gives a very different account, deriving all Hellenic civilisation from Crete through them (B. C. 1500—1300).

6) In Elis, Strab. viii. p. 524.

7) In Messenia and Southern Elis, Strab. viii. pp. 525, 531; Plass (§. 70) makes them to have extended over all Elis.

8) Strab. viii. pp. 494, 495, and Wachsmuth, i. 1. §. 31, sqq. Heyne's hypothesis of only three primitive races, viz. Thraco-Phrygian, Pelasgic, and Hellenic, (Nov. Comm. Soc. Gött. t. i. p. 89, sqq.) throws all into confusion.

9) Attii Atreus, ap. Senec. Epist. lxxx.:

> En impero Argis, regna mihi liquit Pelops
> Qua Ponto ab Helles atque ab Ionio mari
> Urgetur Isthmus.

See Æsch. Suppl. 256, et sqq., with the excursus of C. G. Haupt (Quæstt. p. 91, sqq.) and Strab. v. p. 337, sqq.; comp. Plass, §. 44. Evidence of their presence is furnished by the ever-recurring names of Argos ("the plain;" comp. Strab. viii. p. 568, sqq., particularly 571. A.) and Larissa ("the fort;" comp. Strab. ix. p. 672. A.; xiii. p. 921, D.; Dionys. Hal. i. 21). On this subject in general see Dupuis, sur les Pélasges, in the Mém. de l'Institut. t. ii. p. 58, sqq., where several other instances of similarity of name are given, and Müller's Orchom. §. 125, sqq.; the latter derives the names we have cited from *πέλειν* and *ἄργος* (see Buttm. Lexil.

i. 68). As to other etymologies, πελάζειν (Sturz, de Dial Maced.) has been well refuted by Lobeck, ad Phryn. Ecl. p. 109. As to the Greek fancy respecting the stork, πελαργὸς, see Strab. v. p. 239. A.; Dionys. Hal. i. 28; Philoch. Fgm. p. 23. ed. Siebel; Eustath. ad Dionys. Perieg. 347. The wide extent of the Pelasgian settlements naturally suggested the idea of a passion for wandering. What Herodotus (1. 56) says of the Dorians in contrast with the Pelasgi, that they were ἔθνος πουλυπλάνητον κάρτα, others applied to the Pelasgi themselves; comp. Strab. ix. p. 608. B.; xiii. p. 922. C.; Dionys. Hal. i. 17; Eustath. ad Odyss. T. p. 1861. 22. The notion of their descent from Phaleg had the same origin, comp. Salmas. de Hellen. p. 342; Hüllmann, §. 112, sqq. on the same grounds considers that the name was only a common designation of migratory tribes in general.

10) Which of these they first possessed depends on the question whether Greece was first peopled overland or by sea. See above, §. 4. note 6, and Salmas. de Hellen. p. 285, sqq.; Geinoz, sur l'Origine des Pélasges, avec l'Histoire de leurs Migrations, in the Mém. de l'Acad. des Inscr. xiv. p. 154, sqq.; xvi. p. 106, sqq.; Dupuis, ut sup. iii. p. 48—150; Herb. Marsh Horæ Pelasgicæ, (Cantab. 1815.) Plass. §. 59, decides positively in favour of Thessaly; but in §. 68 he has made them first appear in the Peloponnesus as Achæans.

11) Müller's Dorians, vol. i. p. 15; Wachsm. Ant. i. 1. §. 28, sqq. The first definite notions in religion are said to have been received from them, Her. ii. 50—52; cf. Plat. Cratyl. p. 397. C.; Varro, ap. Augustin. de Civ. Dei, vii. 28. To them were ascribed the massive structures, Κυκλώπων ἔργα in Mycenæ and Tirynth; (Apollod. ii. 2; Strab. viii. 567. A.; 572. B.; Paus. ii. 16. 4; 20. 5; 25. 7; vii. 25. 3;) cf. Petit Radel in the Mag. Encycl. t. v. p. 446, sqq.; Hirt, in Wolf's Anal. i. p. 156; Müller's Orchom. §. 240, sqq.; Schlosser, i. 1. §. 300, sqq. Schubarth, ut sup. §. 60. 287, sqq., introduces the Pelasgi after the Trojan war. Comp. also M. W. Heffter's Götterdienste auf Rhodus, ii. §. 56. Plass, on the other hand, §. 72—79, represents the Pelasgi to have been pure aboriginals, and derives their civilisation from the Phœnicians (the Telchines, Idæi Dactyli, etc.); comp. §. 93—154 (between 1700 and 1500 B. C.;) to whom also he ascribes the Cyclopic works we have mentioned. So also Klenze (über die Architectur der Alten) in Böttiger's Amalthea, vol. iii.

12) Strab. vii. p. 504. C.: οἱ δὲ Πελασγοὶ τῶν περὶ τὴν Ἑλλάδα δυναστευσάντων ἀρχαιότατοι λέγονται, conf. Her. viii. 44: Πελασγῶν ἐχόντων τὴν νῦν Ἑλλάδα καλεομένην, and Thucyd. i. 3.

§. 8. Most difficult to distinguish are the tribes possessing those rich plains of Thessaly which were at a very early period the scene of numerous migratory movements[1], and were, according to tradition, the cradle of most of the nations of the historical, that is, Hellenic times. Here in particular we first meet with the Hellenes whose extension at the cost of the Pelasgi[2] caused these last to be eventually considered a barbarian race[3]. At the period, however, of which we are now speaking, the name was peculiar to a few

small clans in the south of Thessaly (Pthiotis[4]) whose original settlement may perhaps be further traced back[5] to Dodona[6] in Epirus. As soon as one of the clans (the Dorian[7]) had eclipsed the renown of the rest, the epic poets of the time[8] appear to have vied with each other in the invention of genealogies claiming alliance with the superior tribe[9] by a common descent from Deucalion and Hellen, not only for the Æolians[10] and their kinsmen the Achæans[11], but also for the Ionians; although both are by other accounts expressly declared to be Pelasgi[12].

1) Comp. Beck. §. 359. 807, sqq.; Raoul-Rochette, Hist. Crit. de l'établissement des colonies gr., i. pp. 168—180; ii. pp. 282—293; J. Th. Voemel de incolis Thessaliæ antiquissimis, (Franc. ad M., 1829.)

2) Comp. Salmas de Hellenisticâ, ii. 1. p. 267, sqq.; De la Nauze sur la différence des Pélasges et Hellénes, in the Mém. de l'Acad. des Inscr. t. xxiii. p. 115, sqq.; t. xxv. pp. 11—28, of the same; also the commentaries on Herod. i. 56; Thucyd. i. 3. According to Schubarth on Homer, §. 69, sqq., the whole distinction was nothing more than a philosophical fiction, intended to mark the distinction between the old and the new state of things.

3) So Hecatæus ap. Strab. vii. 494 (conf. ix. 629) and Herodot. i. 58. According to the latter, there were still in his time scattered portions of them, speaking a dialect unintelligible to their Greek neighbours, in Crestonia and elsewhere. On this point in general, comp. Sturz. l. c. p. 11, sqq. On the language of the Pelasgi, in the Museum Criticum, or Cambridge Classical Researches, vol. vi. pp. 234—236; Volney, sur l'étude phil. des Langues, (Paris, 1820,) p. 39; Micali's Italia av. il dominio dei Romani, i. p. 73; Plass, §. 31. The greater number however of those who remained, as the Arcadians and others, easily mingled with the other Greeks, and it is evident from the relics of their language found in the Latin, that it cannot have been altogether foreign to the Greeks; compare Niebuhr's Roman History, vol. i. p. 27, 28, with the review of the same by Göttling, in the Berl. Jahrb., 1830; Müller's Dor. i. p. 7. Even some of the writers of antiquity entertained this opinion, comp. Dionys. Hal. i. 17: *ἦν γὰρ δὴ καὶ τὸ τῶν Πελασγῶν γένος Ἑλληνικὸν ἐκ Πελοποννήσου τὸ ἀρχαῖον*; and Tittmann, Amphict. §. 113, 114.

4) Homer (Il. ii. 683; xvi. 595) is the chief authority on this point. Comp. A. W. Schlegel, Schlichthorst, and Schönemann, on the geography of Homer; also Salmas, l. c. p. 438, sqq.; Doig, on the Ancient Hellenes, in the Edinb. Transs. vol. iii. p. 131; Sturz de dial. Maced. p. 10; Müller, Æginet. p. 15; Schubarth, ut supra, §. 295; Plass, §. 197. The oldest Hellas lay between Pharsalus and Melitæa; comp. Dicæarch. (*Βίος Ἑλλ.* in Creuzer's Melet. iii. p. 195): was it any other than Pthia? See Strabo, ix. pp. 659, 660.

5) We must not here forget that antiquity recognised another Dodona in Thessaly; and was divided in opinion only as to their comparative antiquity. See Steph. Byzant. Fragm. de Dodone, ed. Jac. Gronov. (L. B.

1641;) (Thes. t. vii.); and comp. Clavier, Apollodore, ii. p. 78, sqq.; Hist. d. pr. t. ii. p. 39; Müller's Æginet. p. 139; Dissen. ad Pindar. Nem. iv. p. 385; Creuzer's Symbol. ii. 473; iv. 151.

6) Aristot. Meteor. i. 14. p. 548. C. ed. Duvall.: *καὶ γὰρ οὗτος* (*ὁ καλούμενος ἐπὶ Δευκαλίωνος κατακλυσμός*) *περὶ τὸν Ἑλληνικὸν ἐγένετο μάλιστα τόπον· καὶ τούτου περὶ τὴν Ἑλλάδα τὴν ἀρχαίαν· αὕτη δ' ἐστὶν ἡ περὶ τὴν Δωδώνην καὶ τὸν Ἀχελῶον· οὗτος γὰρ πολλαχοῦ τὸ ῥεῦμα μεταβέβληκεν· ὅρκουν γὰρ οἱ Σελλοὶ ἐνταῦθα καὶ οἱ καλούμενοι τότε μὲν Γραικοί, νῦν δὲ Ἕλληνες.* The Σελλοὶ are recognised as priests of the Dodonæan deity by Homer, Il. xvi. 233, and after him by Sophocl. Trach. 1257, where, according to the Scholiast, some read Ἑλλοί. The territory was called Ἑλλοπία; comp. Strab. vii. p. 505. A.; Prideaux ad Marm. Oxon. p. 128, sqq.; Wachsm. Antiq. I. i. §. 310, sqq. On the name Γραικοί, see Sturz, ut supra, p. 8, and Creuzer and G. Hermann's Briefen über Homer und Hesiodus (Heidelb. 1818,) §. 179. Clavier (iii. §. 18—22) has shown that there is no earlier authority for it than Aristotle.

7) Herod. i. 56; comp. Hüllmann's Anf. d. gr. G. p. 113, sqq., particularly p. 118; Clavier, Hist. i. p. 46; Plass, §. 227, sqq.

8) First in Hesiod's *Ἠοῖαι*. See the Scholiast on Lycophr. v. 204, and Müller's Prolegg. §. 179. The chief authorities are Apollodor. i. 7. 3, and Strab. viii. pp. 537, 538. Comp. Beck. §. 724; Clavier, i. 58, sqq.; Plut. Symposs. ix. 15.

9) According to Strabo, viii. p. 568. C. *Ἕλληνες* and *Πανέλληνες* first occurred as collective names in Hesiod, (comp. *Ἔργ. καὶ Ἡμ.* vv. 530, 655, ed. Spohn,) and next in Archilochus. See Müller's Æginet. p. 155, and Goeller, l. c. p. 209. Plass omits Ion and Achæus from the genealogy we have referred to, but considers Hellen and his sons to have been real historical personages, and the Hellenes to have been a coalition of warrior Curetes with a Pelasgo-Lelegic horde (§. 201, sqq.) formed between 1450 and 1300 B. C.

10) Conf. Eur. ap. Dicæarch. ut supra: *Ἑλλὴν γὰρ, ὡς ἔοικε, γίγνεται Διὸς, τοῦ δ' Αἴολος παῖς, Αἰόλου δὲ Σίσυφος, Ἀθάμας τε Κρηθεύς θ' ὅς τ' ἐπ' Ἀλφειοῦ ῥοαις θεοῦ μανεὶς ἔῤῥιψε Σαλμωνεὺς φλόγα.* Hesiod (quoted by Schol. on Pind. Pyth. iv. 252) adds a fifth, Perieres; Apollodorus a sixth, Deïo, and a seventh, Magnes, as well as five daughters, of whom Calyce is the most remarkable as the mother of Endymion, the mythical patriarch of the Epæans in Elis and Ætolians in Pleuron and Calydon (Clavier, i. p. 107, sqq). Those sons or their descendants, reigned, according to tradition, as follows: Sisyphus in Corinth; Salmoneus in Elis; Perieres in Messenia; Neleus, grandson of Salmoneus through Tyro, in Pylos; and afterwards the Neleid Melanthus, in Attica; Deïo in Phocis; Athamas in Orchomenos; Cretheus, his son Æson, and then Pelias, in Iolcos; Pheres, son of Cretheus, in Pheræ; Magnes in Magnesia, etc. With them were connected the ancient and far-famed races of the Minyæ, Phlegyæ, and Lapithæ, (some, however, reckon the Lapithæ to have been Pelasgi as well as the Centaurs, see Voemel. p. 20; Plass, §. 592,) the Bœotians, Cephallenians, (Ulysses,) and even the Myrmidons in Ægina, (through Æacus, the father of Actor and son of Deïo., comp. Müller's Æginet. p. 12, sqq.,) and the Macedonians (so Hellanicus, comp. Sturz, pp. 81, 82). The chieftains who commanded the expedition against Thebes, except the Ætolian Tydeus, were of this race, being the descendants of Amythaon, the son of Cretheus, through Melampus and Abas, (see Clavier, i. p. 219, sqq.,) viz. Adrastus, Parthenopæus, Hippomedon, Capaneus, and Amphiaraüs. Two descendants of the latter, Amphilochus

and Acarnan, afterwards withdrew from Hellas and settled in the far west, so that, according to Strabo (viii. p. 513. C.): *πάντες οἱ ἐκτὸς ἰσθμοῦ, πλὴν Ἀθηναίων καὶ Μεγαρέων καὶ τῶν περὶ τὸν Παρνασὸν Δωριέων, καὶ νῦν ἔτι Αἰολεῖς καλοῦνται.* Comp. Humphr. Prideaux, l. l. pp. 134—146; Beck, §. 815, sqq.; 831, sqq.; Raoul-Rochette, ii. 11—62; Clavier, i. 62, sqq.; Müller's Orchom. §. 139, sqq.; Plass, §. 231, sqq.

11) According to the common account, (see Paus. vii. 1,) Achæus being the son of Xuthus, is brother of Ion; but in Eur. Ion. 63, it is said of Xuthus, *οὐκ ἐγγενὴς ὢν, Αἰόλου δὲ τοῦ Διὸς γεγὼς Ἀχαιός*; and in Strabo (viii. p. 514. B.) we read, *οἱ Ἴωνες ἐξέπεσον ὑπὸ Ἀχαίων Αἰολικοῦ ἔθνους.* Accordingly, the colony of the descendants of Orestes in Lesbos and on the coast of Mysia is called Æolian. Dionys. Hal. i. 17, in order to connect the two head quarters of the race, Pthiotis and the Peloponnesus, introduces another Achæus, son of Neptune and Larissa, and brother of Pthius and Pelasgus. See on this subject at large Beck, §. 829, sqq., and, on the connection between the Achæans and Pthians, Heyne ad Il. t. iv. p. 263; Voemel, l. c. p. 13. Plass (§. 48, sqq.) makes them to have been distinct, but both Pelasgians, (see §. 7. n. 10,) whilst his Æolians are Hellenes; comp. §. 212. of his work.

12) The Ionians, for instance, in the well-known passage, Herod. i. 56; (comp. vii. 94;) Plass, §. 64, 65, conjectures they very probably were Leleges! The Pelasgic origin of the Æolians is favoured by Herod. vii. 95, and Strabo, v. p. 337. C. (though he says, xiv. p. 997. D. *λεγέσθωσαν καὶ οἱ Δωριεῖς καὶ οἱ Αἰολεῖς οἱ αὐτοί*); comp. Paus. iv. 36. 1: *ὑπὸ Νηλέως καὶ τῶν ἐξ Ἰωλκοῦ Πελασγῶν ἐκβληθείς.* See also Clavier's Digression sur les Pélasges, appended to his Apollodorus, ii. p. 489, sqq.

§. 9. The immediate consequence of the above-mentioned division into clans was necessarily the idea that they were outlaws to each other; and this principle, though more or less mitigated in individual instances, must be considered as the basis of Greek international law[1]. Right and law, according to the ideas of antiquity, protected only those whom they bound, that is, only subjects of the same state: foreigner and foe were expressed by the same term[2]. Strictly speaking, there prevailed a perpetual hostility between the several states[3], menacing all that is holy and dear to man[4], and held in check only by positive contracts[5]. Of the natural law of nations as little account was made as of the natural rights of the individual, who, beyond the bounds of his native land, was beyond the pale of law[6], and was not only obliged, if he would possess estates or property in a foreign state, to marry one of its citizens, but needed an ex-

press pledge on its part to ensure his personal safety. On this state of society was in particular founded the slavery of the ancients, as well as the considerations which made perpetual exile, being in fact civil death, equivalent to capital punishment.

1) Compare on this subject in general, W. Wachsmuth, de Jure Gentium, quale obtinuerit apud Græcos ante bellorum cum Persis gestorum initium, (Kiliæ, 1822,) and his Antiq. i. 1. §. 92—139; ii. 1. §. 194—198. *Σιδηροφορία*, Thucyd. i. 6.

2) Cic. de Offic. i. 12, with Beier's Excurs. xiii. The Persians are called *Ξεῖνοι*, Herod. ix. 11; Plut. v. ; Aristid. c. 10.

3) Plat. de Legg. i. p. 625. C.: *πόλεμος ἀεὶ πᾶσι διὰ βίου ξυνεχής ἐστι πρὸς ἁπάσας τὰς πόλεις.* Compare Drumann's Versuch einer Geschichte des Verfalls d. gr. Staaten (Berl. 1820.) §. 185—198.

4) Xen. Cyr. vii. 5. 73: *νόμος γάρ ἐν πᾶσιν ἀνθρώποις ἀΐδιός ἐστιν, ὅταν πολεμούντων πόλις ἁλῷ, τῶν ἑλόντων εἶναι καὶ τὰ σώματα τῶν ἔν τῇ πόλει καὶ τὰ χρήματα.* Conf. Arist. Polit. i. 2. 16; Polyb. ii. 58. 9; Drumann, §. 749, sqq. Every war endangered *τᾶ ἱερὰ πατρῷα καὶ τοὺς τῶν προγόνων τάφους.* Vide Lycurg. adv. Leocr. c. 3. p. 141, and Lobeck's Aglaoph. i. 276. The slaughter of captives prevailed even during the Peloponnesian war, Thucyd. i. 30; ii. 67; iii. 32, etc. But see Eurip. Heracl. v. 961 and 1005; and, on this point at large, Heyne de Bellis internecinis, (Opuscc. iv. p. 462, sqq.)

5) Isocr. adv. Callim. p. 900: *ὥστε τὰ πλεῖστα τοῦ βίου καὶ τοῖς Ἕλλησι καὶ τοῖς βαρβάροις διὰ συνθηκῶν εἶναι.* Every treaty of peace was made only for a limited time: *σπονδαὶ τριακονταέτεις, πεντηκονταέτεις*, etc., Thucyd. iv. 63.

6) *Ἀτίμητος μετανάστης.* Il. ix. 684. *Ἕν μὲν μέγιστον· οὐκ ἔχει παῤῥησίαν.* Eurip. Phœn. 401; conf. Ion, 673. See Klotz. ad Tyrt. p. 11, sqq., and Plut. de Exilio, (t. x. p. 366, sqq. ed. Hutt.,) who, however, there speaks of a different period.

7) *Ἐπιγαμία, γῆς καὶ οἰκίας ἔγκτησις, ἀσυλία, κ. τ. λ.* Comp. Wachsmuth's Antiq. i. 1. §. 124, and below, ch. vi. part i.

8) J. F. Reitemeier, Geschichte und Zustand der Sclaverei und Leibeigenschaft in Griechenland, (Berlin, 1789.) The chief authority concerning slaves, legally considered, is Arist. Polit. i. 2; historically, Athen. vi. 84, sqq. There was a distinction between the *δορυάλωτοι* or *δορύκτητοι* (Lobeck ad Soph. Aj. v. 214,) and the *ἀργυρώνητοι*; Wachsm. Antiq. i. 1, §. 171.

9) *Ἀειφυγία*, comp. Meier de Bonis damn. p. 98. Müller (Dor. ii. §. 224, 225.) says, "exile was a certain escape from all even the heaviest punishments, and, according to Hellenic principles, afforded safety from all pursuit." See also Plato's Crit. p. 52. C.; but in particular, Drumann, ut sup. §. 607—632.

§. 10. At an early period, however, the feelings of humanity came to soften these stern views of right, and Religion, the nurse of every loftier sentiment in

man, sanctioned them by her rites. Thus the sanctity of Hospitality [1], and respect for suppliants [2], began to protect the individual; reverence for the herald could suspend the fiercest conflict, and ensured, at all times, the possibility of reconciliation [3]. Besides the fact that all contracts were made under the sanction of some deity [4], a species of international law, such as probably had at first existed only between kindred clans, was gradually developed and acknowledged as the creeds of various tribes were blended into one great system of polytheism. It was considered no less impious for victors to refuse the last honours to the slain, than for the vanquished to neglect to pay them, though the requesting permission to perform them was an acknowledgment of defeat [5]. Temples and consecrated territories were considered inviolable even by invading armies [6]. But the grand religious festivals presented at an early period opportunities for the cultivation of peace and amity between neighbouring states, who met, as it were, beneath the hospitable roof of that by which the festival was celebrated [7]; and these occasions were the more effectual from offering not merely festivities but opportunities for trade and commerce [8]; for which particular purpose it not unfrequently happened that a special festival was announced [9], and even hostilities already commenced were suspended [10]. The greater number of these festivals were, even in late times, confined almost exclusively, to the immediate neighbourhood of their place of celebration [12]. The Olympic, Pythian, Nemæan, and Isthmian games alone were at all times grand national festivals to the whole of Greece [13]: but even these, it is probable, belonged originally to particular confederacies [14], as, for instance, the Pythian continued to do to the Amphictyons of Delphi.

1) See Plat. Crit. p. 45. C.: *εἰσὶν ἐμοὶ ἐκεῖ ξένοι, οἵ σε περὶ πολλοῦ ποιήσονται καὶ ἀσφάλειάν σοι παρέξονται ὥστε σε μηδένα λυπεῖν.* Compare Feith's Antiq. Hom. p. 374, et sqq.; Periz. ad Æl. V. Hist. iv. 1; F. W. Ullrich de Proxeniâ, (Berl. 1822.) Even the prisoner of war, after paying his ransom, was *δορύξενος*. See Valck. ad Ammon. p. 109, et sqq.

2) Apollon. Rhod. Argonaut. ii. 1134: *Ἀλλ' ἱκέτας ξείνους Διὸς εἵνεκεν αἰδέσσασθε Ξεινίου ἱκεσίου τε· Διὸς δ' ἅμφω ἱκέται τε καὶ ξεῖνοι· ὁ δὲ που καὶ ἐπόψιος ἄμμι τέτυκται.* See Feith, l. c. p. 382; Wachsm. i. 1. p. 79.

3) Th. Chr. Harless de præconibus apud Græcos, (Jenæ, 1765.) Hence *πόλεμος ἄσπονδος καὶ ἀκήρυκτος* or *ἀδιάλλακτος*, s. Abresch. Diluc. Thucyd. p. 556; Ast, ad Plat. de Legg. p. 14.

4) Wachsm. ii. 1. p. 197, sqq., and concerning the pillars on which they were inscribed in temples, see in particular Drumann, l. c. p. 210.

5) See in general Wachsmuth, ii. 1. §. 424, and in particular Eurip. Suppl. v. 19; Isocr. Panath. p. 638; Plat. Republ. v. p. 469. E. Antisth. or. Ulyx. t. viii. p. 61, Rsk. says: *τοὺς γὰρ νεκροὺς οὐ τοῖς οὐκ ἀναιρουμένοις αἰσχρὸν, ἀλλὰ τοῖς μὴ ἀποδιδοῦσι.*

6) Thucyd. iv. 97: *πᾶσι γὰρ εἶναι καθεστηκὸς, ἰόντας ἐπὶ τὴν ἀλλήλων, ἱερῶν τῶν ἐνόντων ἀπέχεσθαι.* Conf. Polyb. v. c. 9—11.

7) Strabo, ix. p. 642. B.: *φιλικὸν γὰρ πᾶν τὸ τοιοῦτον ἀπὸ τῶν ὁμοτραπέζων ἀρξάμενον καὶ ὁμοσπόνδων καὶ ὁμορωφίων.* Conf. Ph. G. van Heusde, Diatr. in Civitates antiquas, (1817,) p. 3, sqq.

8) See Wachsm. Antiq. i. 1. §. 104, sqq., and Tittm. on the Amphictyonic League, §. 89, sqq. By no means amiss is the classification of those who resorted to them ascribed to Pythagoras, (Diogen. viii. 8,) according to the three main springs of human action, (Plat. Rep. ix. p. 580, E. F.) *εἰς πανήγυριν οἱ μὲν ἀγωνιούμενοι, οἱ δὲ κατ' ἐμπορίαν, οἱ δὲ γε βέλτιστοι ἔρχονται θεαταί*: conf. Menand. p. 166, ed. Meinek., and Dio Chrysost. Or. xxvii. p. 287. ed. Morell. The same classification is found in Philo Judæus, de Animalibus adv. Alexandrum, p. 152. edit. Venet. Armen. Hence the expressions, *ἀγορὰ πυλαϊκὴ*, *mercatus Olympiacus*, (Vell. Paterc. i. 8; Justin. xiii. 5), *in Delo*, (Plin. Hist. Nat. xxxiv. 11; Paus. iii. 23. 2; Spanheim. ad Callim. H. in Del. v. 16. 316), as at the Fanum Feroniæ et Capena, Liv. i. 30. See also Paus. x. 32. 9; Strab. x. p. 744. B.: *ἡ πανήγυρις ἐμπορικὸν πρᾶγμα.*

9) *Ἱερομηνία*, (Dorv. ad Char. p. 514. ed. Lips.) or, *ἐκεχειρία*, (Casaub. ad Strab. viii. p. 529. ed. Almel.), also *σπονδαί*, as, for instance, *Ὀλυμπιακαί* ap. Æschin. de Fals. Leg. c. 4, and Schol.; hence, *σπονδοφόροι Ἠλεῖοι*, conf. Dissen. ad Pind. Isthm. ii. p. 494, sqq., and Müller's Dorians, vol. i. p. 260. In the case also of the Eleusinian festivals, Æschin. l. l. c. 37, mentions *σπονδοφόρους τὰς μυστηριωτίδας σπονδὰς ἀπαγγέλλοντας* (or, *ἐπαγγ.*: comp. Thucyd. v. 49; viii. 10.) See Pollux, i. 36; Boeckh ad C. Inscr. i. p. 108.

10) *Ἐπιμιξία*, Polyæn. viii. 35; conf. Photii Biblioth. p. 524. ed. Hoepnel. (p. 321. l. 4. Bekkeri,) *κοινῆς ἀμφῶν ἑορτῆς Ἀπόλλωνος ἐνστάσης ἀνοχὰς ἔδεντο.*

11) *Πανηγύρεις*, comp. Isocr. Paneg. c. 12, and the enumeration of them by Boeckh ad Pind. Ol. vii. p. 175, sqq.; Wachsm. i. 1. §. 107.

12) Hence, *νῖκαι ἐκ περικτιόνων*, Pindar. Nem. xi. 19; Isthm. vii. 64; comp. Nem. vi. 40: *ἐν ἀμφικτιόνων ταυροφόνῳ τριετηρίδι.*

13) On this subject in general, see P. Fabri Agonisticon s. de re athletica ludisque veterum libri iii. (Lugd. 1592,) (and in Gron. Thes. viii.,) E. Corsini Dissertationes Agonisticæ. (Lips. 1752,) and Manso, über den Antheil d. Griechen an den Olymp. Spielen, (Bresl. 1792.)

14) So likewise the Nemean are connected by tradition with the Expedition of the Seven against Thebes, (Opheltas, conf. Heyne ad Apollod. iii. 6. 4;) in the Isthmian, Athens afterwards had a place of honour in the name of the Ionian race. On the former in general see Villoison in the Hist. de l'Acad. des Inscr. xxxviii. p. 29, sqq.; on the latter, Massieu, ibid. t. v. p. 214, sqq. They were founded by Sisyphus in memory of Melicerta (Palæmon.) Comp. Apollod. iii. 4, 1; Paus. ii. 1. 3. Theseus subsequently dedicated them to Neptune, and ensured to his own nation the *προεδρία ὅσον ἂν τόπον ἐπίσχῃ καταπετασθὲν τὸ τῆς θεωρίδος νεὼς ἱστίον*, Plut. Thes. 25; conf. Müller's Orchom. §. 176. In considering the character of these institutions it must not be overlooked that they were founded by the two exterminators of *ἄξενοι*, such as Busiris, Sinnis, Sciron, etc. (comp. Xen. Mem. ii. 1. 14; Plut. v.; Thes. c. 6, sqq.) Theseus and Hercules (see below, §. 23.) Compare also Rochefort, Observations générales sur l'état de la Grèce avant le regne de Thesée, pris pour l'époque de la naissance des siècles héroïques, in the Mém. de l'Acad. des Inscr. t. xxxvi. p. 481, sqq.; and Plass, §. 353, sqq., 387, sqq.

§. 11. Even the Amphictyonies were but the stated meetings of tribes possessing some common sanctuary, without regard to difference of origin[1], for the sole purpose of promoting harmony and celebrating common festivals, not from motives of foreign policy or party views[2]. In these respects they were distinguished not only from leagues offensive and defensive[3], but also, though often confounded with them[4], from coalitions of kindred clans, which, although mutually independent, continued to transact affairs of common interest in general assemblies, at the same time honouring the deity of their race by a common festival[5]. It is far more difficult to ascertain the distinction between Amphictyonic assemblies and irregular festivals, since little is known of most of the Amphictyonies beyond the fact of their existence[6], whilst their appearance in historical times, under totally altered circumstances and relations, affords scarcely a trace of their original distinctive character. Among the Amphictyonies must, for instance, be reckoned the confederacy of Ægina, Athens, Prasia, Nauplia,

and the Bœotian Orchomenos, of which the assemblies were held in the temple of Neptune, in the island Calauria[7]; and that which met at Onchestus in the Haliartian territory[8]: although the periods in which these two Amphictyonies rose and flourished belong to a very remote antiquity, we first read of them in Strabo. The assemblies at the temple of Apollo in Delos[9] probably acquired the Amphictyonic character after the restoration of the temple by the Athenians[10]. With these may be connected, but only on conjecture, the assemblies held, even as late as the time of Livy[11], in the temple of Diana at Amarynthus in Eubœa; where, according to Strabo, there was extant in his time, engraved on a pillar, a law prohibiting the use of missile weapons in hostilities between Chalcis and Eretria[12]. But the most celebrated Amphictyonic assembly, and that of which we can speak most positively, was held at Thermopylæ in the temple of the Pythian Apollo: its importance in history demands for it a more particular consideration[13].

1) Ἀμφικτύονες, properly Ἀμφικτίονες, or περικτίονες; compare Valcken. und Wessel. ad Her. viii. 104; Ruhnk. ad Tim. Lex. Platon. p. 28, sqq.; Hüllman's Anf. der griech. Gesch. pp. 161, 162; Boeckh Comm. Crit. ad Pind. pp. 535, 536; and in particular his authentication of the word in the C. Inscr. i. p. 808.

2) Compare Sainte-Croix des anciens gouvernemens fédératifs, (Paris, 1804,) especially §. 1—19, and 152; also Drumann, l. c. §. 166; Vollgraff's Antike Politik, §. 191—202.

3) For that such confederacies were as yet unknown in those times appears from Thucyd. i. 3. οὐδὲν πρὸ τῶν Τρωϊκῶν δι' ἀσθένειαν καὶ ἀμιξίαν ἀλλήλων ἄθροοι ἐπραξαν. On the distinction between συμμαχία and ἐπιμαχία, see Thucyd. i. 44; v. 48: comp. Ammon. de Diff. Vocc. p. 131.

4) The earliest trace of this inaccuracy is found in Dionys. Hal. iv. 25. Even Heeren, (Researches, Greece, p. 116), Clavier, (Hist. d. pr. temps, ii. 21, sqq.) Schlosser, (i. 1. §. 312,) and others, have overlooked it in the lists given by Sainte-Croix (p. 115, sqq.); Wachsm. (Ant. i. 1. §. 113—121,) has been more accurate.

5) Compare Tittm. Gr. Staatsv. §. 668, sqq., Drumann, §. 524, 525, and below chap. iv. (on the colonies) and viii. (on the confederacies.) Sainte-Croix has well distinguished some from the Amphictyonies, §. 156. See Van Dale Diss. iii. p. 288, sqq.

6) As for instance that of Argos, which Sainte-Croix, §. 127—129; Tittmann, Amphict. §. 131; Müller's Dor. i. p. 175, cite from Pausan. iv. 5. 1.

7) Chief authority, Strabo, viii. p. 574. B. See, in general, Müller's Æginet. pp. 25—28. It was not a defensive alliance against the Achæans, as Boeckh has conjectured, (Publ. Œcon. ii. 368.) Comp. Müller's Orchom. §. 247.

8) Strab. ix. p. 632. C.; Homer. H. in Apoll. v. 230, mentions chariot races there. Comp. Müller's Orchom. §. 84, and 238.

9) Thucyd. iii. 104: ἦν δέ ποτε καὶ τὸ πάλαι μεγάλη ξύνοδος εἰς τὴν Δῆλον τῶν Ἰώνων τε καὶ περικτίονων νησιωτῶν, κ. τ. λ. Theseus, in fact, was said to have instituted the congress; Plut. v. Thes. c. 21; Pausan. viii. 48, 2; but comp. P. O. Bröndsted's Travels and Researches in Greece, (Stuttg. 1826,) i. §. 59.

10) Probably after the lustration of Delos, B. C. 426. The chief source of information on this subject is the Marmor Sandvicense, which contains a chronicle of the Amphictyons from B. C. 377, to 374; last edited by Boeckh at the end of the Publ. Œcon., and in the Corp. Inscr. i. p. 252—259. It mentions twelve states: Myconos, Syros, Tenos, Ceos, Siphnos, Seriphos, Ios, Paros, Icaros, Naxos, Andros, and Carystos in Eubœa. It is moreover probable that Tacit. Ann. iv. 14, and Athen. iv. 73, which Titmann refers to the Delphian, relate to this Amphictyony; as also Demosth. de Cor. p. 272, 8, where Boeck too refers to the Delphian.

11) Liv. xxxv. 38: Sacrum anniversarium eo forte tempore Eretriæ Amarynthidis Dianæ erat, quod non popularium modo, sed etiam Carystiorum cœtu celebratur. Conf. Sainte-Croix, pp. 136—139.

12) Strabo, x, p. 688. B. Clavier (ut sup.) considers 800 B. C. as the date of the war for the Lelantic territory mentioned Herod. v. 99; Thucyd. i. 15; Aristot. Pol. iv. 3. 2. Comp. also Müller's Æginet. p. 114.

13) On this subject in general see Valois, Mém. de l'Acad. des Inscr. t. iii. p. 191, sqq.; v. p. 405, sqq.; Humphr. Prideaux ad Marm. Oxon. p. 122—127; Ant. v. Dale in Diss. ix. antiquitatibus, quin et marmoribus cum Romanis tum potissimum Græcis illustrandis inservientibus, (Amst. 1702,) Diss. vi. pp. 430—505; J. H. Boecleri Diss. Acad. ii. pp. 776—799; Macheri Opuscc. ed. Toepfer, pp. 89—103; Sainte-Croix ut sup. pp. 19—114; F. W. Tittmann, über den Bund. d. Amphikt. (Berlin, 1812;) Petersen, det Amphiktyoniske Forbund.

§. 12. The very fact that all the above mentioned assemblies (even that held at Amarynthus) were alike called Amphictyonic, shows how unfounded is the common account which derives the name of that which met at Thermopylæ, from Amphictyon a son of Deucalion and brother of Hellen[1]. That however its commencement was anterior to historical times[2] is evident from the circumstance that nations between whom there afterwards existed the greatest disparity

in point of power and independence, equally participated in it. They were twelve in number[3], namely, the Thessalians, Bœotians, Dorians, Ionians, Perrhæbi, Magnetes, Locrians, Ætæans or Anians, the Achæans of Pthiotis, the Malians or Melians, the Phocians, and the Dolopes[4]. These states continued, even in the time of Philip of Macedon[5], the same in number, and equally entitled to take part in the assembly[6], although the Thessalians had at that period completely subdued their weaker neighbours[7], and the Ionians and Dorians had attained an incalculable preponderance of power by their colonies and conquests. The colonies of all the states participated in the confederacy[8]; other Greeks, even those of the parent country of the race[9], as the Arcadians[10], Ætolians[11], and others, were excluded, a circumstance which shows, moreover, that the assembly never exercised a judicial authority in the affairs of Greek states merely as such[12]. The title, *τὸ κοινὸν τῶν Ἑλλήνων συνέδριον*[13], which it sometimes bears, must have originated in the time when the name Hellenes was yet confined to the limits we have mentioned above; although even then the name must have been "a potiori," (in the same way as the Greeks at the siege of Troy were styled Danai or Achæi,) since the above cited list of states comprises[14] Pelasgic[15], Æolic[16], and Lelegic[17], no less than Hellenic[18] tribes.

1) Compare here too Tittm. §. 12, sqq. His authorities are Theopompus, the Parian Chron., Apollodor., and others; but their opponents are not to be overlooked, see Harpocr. p. 20: *ὠνομάσθη δὲ ἤτοι ἀπὸ Ἀμφικτύονος τοῦ Δευκαλίωνος, ὅτι αὐτὸς συνήγαγε τὰ ἔθνη βασιλεύων, ὡς φησι Θεόπομπος—ἢ ἀπὸ τοῦ περιοίκους εἶναι τῶν Δελφῶν τοὺς συναχθέντας, ὡς Ἀναξιμένης ἐν πρώτῃ Ἑλληνικῶν*: and Androtion ap. Pausan. x. 8. 1; conf. Plass, §. 220.

2) According to the Parian Chron. B. C. 1522; on the other hand, Fréret, quoted by Sainte-Croix, p. 216, and Schubarth, on Homer, §. 62, date its origin and that of the Delphian Oracle subsequent to the Trojan war; but see Tittm. §. 16, sqq.

3) According to Tittmann's masterly critique (§. 33,) of the chief points of which we are informed by Æschin. de F. L. c. 32; Pausan. x.

8. 2; and Harpocr. l. c.; the Delphians had not an actual vote till a far later period.

4) It is without sufficient reason that Clavier, ii. 34, makes the Ionians and Bœotians not join it till afterwards. The name of the Thessalians affords far better grounds for objection, since they did not settle in those regions till twenty years after the Trojan war, (see below, §. 15.) Comp. Raoul-Rochette, t. ii. p. 437. It is possible that the Dryopes formed at first the twelfth tribe, who had, but a short time previous, been subdued by the Dorians and Malians, and made over as vassals to the Delphian god. Comp. Müller's Dor. i. pp. 47, 48.

5) When (B. C. 346.) the Macedonians took the place of the Phocians, and the Lacedæmonians ceased to participate in the Doric vote, Diod. xvi. 60; Pausan. l. c. Is Κορίνθιοι in Diod. correct?

6) Cases of forcible exclusion, such as that of the Thessalians by the Phocians, (Demosth. de Pace, p. 63, 1; Arg. Dem. de F. L. p. 334, 11.) cannot be reckoned real changes. See Wessel. ad Diodor. l. c. t. vii. p. 558. (Bipont:) comp. also here Plut. v. Themist. 20.

7) The Magnetes, Perrhæbi, Phthiotæ; conf. Thucyd ii. 101; iv. 78; viii. 3; Athen. vi. 88.

8) Æschin. de F. L. c. 82.

9) Demosth. Philipp. iii. p. 119. 16: *ἔχει δὲ καὶ τὴν προμαντείαν τοῦ θεοῦ, παρώσας ἡμᾶς καὶ Θετταλοὺς καὶ Δωριέας καὶ τοὺς ἄλλους Ἀμφικτύονας, ἧς οὐδὲ τοῖς* Ἕλλησιν *ἅπασι μέτεστι* Conf. Tittmann, §. 59—65.

10) Was Cottyphus (Dem. Cor. p. 279. 7.) an Arcadian? Conf. Tittmann, §. 50; Fr. Winiewski Comm. hist. et chronol. ad Dem. Or. de Cor. (Monast. 1829.) p. 212.

11) See Tittm. §. 51; and on the Inscriptions in which the Ætolians appear among the Amphictyones, see Boeckh ad C. Inscr. i. p. 824. See below, §. 183. n. 11.

12) Sainte-Croix, p. 83, sqq.

13) Tittmann, §. 62.—Essentially different from this was the congress held at the isthmus in the time of the Persian war, and afterwards at Sparta, the confounding which with that of the Amphictyones, has mainly contributed to produce erroneous notions respecting them. Comp. Müller's Prolegg. §. 406—412, where all Tittmann had collected on the subject (§. 121, sqq.) is better explained than by him. Perfectly similar to this was that congress at Corinth, by which Alexander caused himself to be elected generalissimo of Greece against Persia, and which Diodor. xvii. 4, has expressly distinguished from the Amphictyones.

14) Whence also the name Amphictyon, the mythical personification of the League, is interwoven with the Hellenic genealogy, although he is found in Locris, Scymn. Ch. v. 586; (Deucalion also; Plass, §. 218;) in Bœotia, Paus. ix. 1. 1, (but see Müller, Orchom. §. 391;) and Attica, see Heyne ad Apollod. iii. 14. 5. Compare on this subject at large, Fréret in Ste. Croix, pp. 308—319 [c].

15) The Perrhæbic, for instance, (Beck, §. 845; Müller's Dor. i. p. 30,) and (at least according to Herod. i. 56,) the Ionians.

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[c] See Clinton, F. H. i. p. 65, b., and p. 94, k. TRANS.

16) The Magnetes, Phocians, Bœotians, (see above, §. 8. note 9,) and also the Malians in Trachis, although nearly related to the Dorians; comp. Müller's Dor. i. p. 59.

17) The Locri; comp. Hesiod. and Aristot. ap. Strab. vii. pp. 495, 496; Dionys. Hal. i. 18; Raoul-Rochette, i. p. 207, sqq.

18) Besides the Dorians, Müller (Ægin. p. 16, sqq.) reckons the Dolopes and Ænianes as of pure Hellenic race (see also his Dorians i. p. 51), and so far identical with the Myrmidons; from which circumstance he explains the absence of the latter from the list of the Amphictyones.

§. 13. From the oath quoted in Æschines [1], "never to raze any Amphictyonie city or divert its watercourses, and to defend to the utmost the sacred territory of the Delphians God," (with which the confederacy was closely connected,) coupled with the complaint of the Lacedæmonians respecting the erection of iron trophies as more durable than others [2], we may gather that the real object of the league was to diminish the rancour and evil consequences of disputes which could not but occasionally arise between neighbouring tribes [3]. The Amphictyonic League does not appear ever to have acted as a defensive alliance against foreign powers [4]; and even on the most important occasions in historical times, it exercised no special authority over the internal affairs of the confederate states, although it occasionally proved the tool of one or other of the most powerful among them [5]. The objects of the league appear generally to have been nothing more than the protection of their sanctuaries [6] and the maintenance of the rites and festivals connected with them [7]. Of these the Oracle at Delphi and the Pythian games [8] were the chief.

1) De Falsa L. c. 31, p. 284. Rsk.

2) Cic. de Invent. ii. 23; conf. Plut. quæstt. Rom. c. 37; Paus. ix. 40. 4; Stanislas Knolle a Knoll Diss. de Tropæis, (Lips. 1809.)

3) For this notion, see Plato de Republ. v. p. 469. B. sqq.; comp. Ste.-Croix, p. 51, and below, §. 31, note 5, coll. Polyb. Exc. Vat. xxv. 1, p. 418, Maji.

4) That it was not a coalition of Hellenes against the Pelasgians, see Tittm. §. 113—118. What was its position during the Persian war?

5) As in the case of Lacedæmon after the battle of Platæa, (Plut. v. Themist. 20;) of Athens against the Dolopes in Scyros, (v. Cimon. 8;) of Thebes against Lacedæmon and Phocis, (Diod. xvi. 23;) and at last of Philip and Alexander of Macedon, Diod. xvii. 4; Paus. viii. 10. 2; conf. Bremi ad Æschin. adv. Ctes. c. 49.

6) Of this we have a signal instance in the restoration of the temple at Delphi after its destruction by fire, Ol. lxviii. 1; comp. Paus. x. 5. 5; the authorities cited by Boeckh ad Pind. Pyth. vii. p. 301, and Sillig, Catalog. Artific. p. 428; such also is the sole purport of the Amphictyonic decrees preserved in Dem. de Coronâ and in the C. Inscr. i. p. 108, sqq. The sacred wars, as they were termed, show the same. Of these the first was against Cirrha, or Crissa, B. C. 600—590, (see Plut. Sol. c. 11.; Tittm. §. 49. 105. 188. 228; Clavier, ii. 381—385; Clinton, F. H. ii. p. 195, sqq.); the second against Phocis, B. C. 355—346 (comp. Diod. xvi. 24—64; Paus. x. 2, 3;) the third against Amphissa, B. C. 340—339, (Æsch. adv. Ctes. 35, sqq.; Dem. de Cor. p. 274, sqq.; Winiewski, l. c. p. 206; Clinton, F. H. ii. p. 289, sqq.; Valois, Mém. de l'Acad. des Inscr. vii. p. 202; ix. p. 97; xii. p. 177, sqq.;) the fourth against the Ætolians, under Areus I. of Lacedæmon, about B. C. 280, (see Justin, xxiv. 1.) What is called the second sacred war, B. C. 448, (Thucyd. i. 112; Plut. v. Pericl. 21; Siebel. ad Philoc. p. 50; Ste.-Croix, p. 286—293,) did not concern the Amphictyons. On the connection between the names Crissa and Cirrha, see Meurs. Lectt. Att. ii. 2; Hist. de l'Acad. des Inscr. v. p. 62; Müller's Orchom. §. 495; Wachsm. Antiq. 1. i. 8, 9. With the Cirrhæans the Crangallidæ are coupled, see Müller's Dor. vol. i. p. 50. For the curse with which these wars were denounced, see Æsch. adv. Ctes. 33, and Ste.-Croix, p. 282, sqq.

7) Strab. ix. p. 643. A.: *τοιαύτης δὴ τῆς εὐκαιρίας οὔσης τῆς περὶ τοὺς Δέλφους, συνῆλθάν τε ῥᾳδίως ἐκεῖσε· μάλιστα δ' οἱ ἐγγύθεν· καὶ δὴ καὶ τὸ Ἀμφικτυόνων σύστημα ἐκ τούτων συνετάχθη, περί τε τῶν κοινῶν βουλευσόμενον καὶ τοῦ ἱεροῦ τὴν ἐπιμέλειαν ἔξον κοινοτέραν, ἅτε καὶ χρημάτων ἀποκειμένων πολλῶν καὶ ἀναθημάτων, φυλακῆς καὶ ἀγιστείας δεομένου μεγάλης.* Comp. Ste.-Croix, pp. 69—82; Müller's Dor. i. p. 289.

8) Comp. Heinsberg de consilio Amphictyonum ad Orac. Delph. relato, (Leobschütz, 1828,) and Tittmann, p. 109, 110; Paus. x. 7. 3.

§. 14. With respect to the internal regulations, (ascribed by tradition to the Argive prince Acrisius[1]) we know that two assemblies were held yearly[2], in spring and autumn, sometimes at Delphi, sometimes at Thermopylæ, near the temple of Ceres at Anthela[3]. The body of the citizens who happened to be present from the various states, composed the grand Ecclesia[4]; the council consisted of deputies of two descriptions, Pylagoræ[5] and Hieromnemones[6], but only the former seem to have had a decisive voice as representing the authority of the League; whilst the latter, although equally deputed by the several states[7],

and commissioned to watch over their interests[8], were rather regular officers[9] charged with the execution of the decrees of the council[10], and the preparing subjects for its consideration[11]; one of these two always sat as president in the meetings of the council[12]. In all probability the Hieromnemones were the same with those called *σύνεδροι*[13]; by the term *συνέδριον*, which occasionally occurs, their special meetings are designated, although in all other respects they bore the common title of Amphictyons[14]. This office was obtained, in Athens at least, by lot[15], but that of the Pylagoræ by yearly election[16]; one-third of the number of these last seems to have formed a quorum, although votes by proxy were not allowed; for the number of the votes was fixed at twenty-four, two for each tribe[17]. When it happened that any one tribe comprised several independent states, the vote was given by these in rotation, unless one of them was empowered by the rest to give it constantly[18]. A similar regulation is found even in the much altered constitution of the League in the time of Pausanias, when only Athens, Delphi, and Nicopolis had independent single voices, all the rest possessing only corporate votes.

1) Strabo proceeds, *τὰ πάλαι μὲν οὖν ἀγνοεῖται· Ἀκρίσιος δὲ τῶν μνημονευομένων πρῶτος διατάξαι δοκεῖ τὰ περὶ τοὺς Ἀμφικτύονας καὶ πόλεις ἀφορίσαι τὰς μετασχούσας τοῦ συνεδρίου καὶ ψῆφον ἑκάστῃ δοῦναι, τῇ μὲν καθ' αὑτήν, τῇ δὲ μεθ' ἑτέρας ἢ μετὰ πλειόνων· ἀποδεῖξαι δὲ καὶ τὰς Ἀμφικτυονικὰς δικάς* (conf. Dem. Cor. p. 331. 28; Plut. Cimon. c. 8) *ὅσαι πόλεσι πρὸς πόλεις εἰσί· ὕστερον δ' ἄλλαι πλείους διατάξεις γεγόνασι, ἕως κατελύθη καὶ τοῦτο τὸ σύνταγμα, καθάπερ καὶ τὸ τῶν Ἀχαιῶν.* The Scholiast on Eur. Or. 1087, makes him to have founded (B. C. 1361) the Delphic Amphictyony on the plan of that at Thermopylæ, and to have then united the two. Comp. Tittm. §. 29, and the conjectures of Wachsm. Ant. i. 1. §. 118, and Müller, Dorians, vol. i. p. 412. The name Acrisius was probably nothing more than a personification of the inseparable union of the Amphictyony: *Inseparantius;* comp. G. Hermann. de hist. Gr. prim. p. 13. Hellanicus, indeed, makes Acrisius to have resided in Larissa of Thessaly; see Sturz, l. c. p. 149; Müller's Dor. i. p. 24.

2) Strabo: *αἱ μὲν οὖν πρῶται δώδεκα λέγονται ξυνελθεῖν πόλεις· ἑκάστη δ' ἔπεμψε πυλαγόραν, ὃς κατ' ἔτος οὔσης τῆς συνόδου, ἑαρός τε καὶ μετοπώρου· ὕστερον δὲ καὶ πλείους ξυνῆλθον πόλεις.* It used to be the opinion

that the ἐαρινὴ πυλαία was held at Delphi, the μετοπωρινὴ at Thermopylæ; but see Heeren's Res. Greece, p. 119.; and Böckh ad C. Inscr. i. p. 808.

3) Her. vii. 200; comp. Hüllmann's Anf. d. gr. G. §. 164.

4) Æschin. adv. Ctesiph. 38: ἐκκλησίαν γὰρ λέγουσιν, ὅταν μὴ μόνον τοὺς πυλαγόρας καὶ τοὺς ἱερομνήμονας συγκαλέσωσιν ἀλλὰ καὶ τοὺς συνθύοντας καὶ χρωμένους τῷ θεῷ. Comp. Tittmann, §. 89; also τὸ κοινὸν τῶν Ἀμφικτ., Dem. de Cor. p. 278.

5) Πυλαγόραι and — οι, conf. Bremi ad Æschin. adv. Ctesiph. 35; Schæf. App. ad Demosth. ii. p. 216.

6) Letronne éclaircissemens sur les fonctions des magistrats appelés Mnémons, Hiéromnémons, Promnémons, et sur la composition de l'assemblée Amphictyonique, Mém. de l'Inst. (Acad. des Inscr.) t. vi. (1822), p. 221—261. According to him the Pylagoræ were charged with the political, the Hieromnemons with the religious duties of the league.

7) C. Inscr. t. i. p. 807, l. 40: ἀ πόλις, ἐξ ἃς κ' ᾖ ὁ ἱαρομνάμων. Conf. Dem. Cor. p. 276. 22: εἰ μὲν τοῦτον τῶν παρ' ἑαυτοῦ πεμπομένων ἱερομνημόνων εἰσηγεῖτο τις.

8) Æschin. adv. Ctesiph. c. 36.

9) Hence also called ἱερογραμματεῖς. Among the Dorians any person in office was called μνάμων. Comp. Göttling ad Arist. Polit. p. 421; Tittmann, §. 84.

10) See in particular the decree in the C. Inscr. p. 807.

11) Æsch. l. l. c. 38: τέλος δὲ ψηφίζονται ἥκειν τοὺς ἱερομνήμονας πρὸ τῆς ἐπιούσης πυλαίας ἐν ῥητῷ χρόνῳ εἰς Πύλας ἔχοντας ὄγμα, κ. τ. λ.

12) As Cottyphus, ibid. Comp. Tittm. §. 87. But the decree mentions as eponymus a ἱερεύς, or the archon of Delphi. See Boeckh ad C. I. p. 808. 823; Tittm. gr. Staatsv. §. 384; Letronne (p. 246) is wrong.

13) Comp. Valois, iii. p. 224, sqq.; Letronne, p. 249, sqq. Ἱερομνήμων ἐλέγετο ὁ πεμπόμενος σύνεδρος εἰς τοὺς Ἀμφικτύονας ὑπὲρ τῆς πόλεως, Ulpian. ad Demosth. (adv. Timocr. p. 747. 2.) t. v. p. 239. B. ed. Wolf. The phrase in Dem. Cor. p. 278. 23: ἐπελθεῖν τοὺς πυλαγόρας καὶ τοὺς συνέδρους, is expressed by Æsch. l. c., τοὺς ἱερομνήμονας καὶ πυλαγόρας ἥκειν εἰς τὸν αὐτὸν τόπον: and, ἔδοξε τοῖς πυλαγόραις καὶ τοῖς συνέδροις, runs in the C. Insc. p. 816, ἔδοξε τοῖς ἱερομνήμοσι καὶ τοῖς ἀγωρατροῖς, which reminds one exactly of the Attic, ἔδοξε τῇ βουλῇ καὶ τῷ δήμῳ.

14) Æschin. l. c. 36—38.

15) Accordingly in Dem. pro Cor. l. c., we hear of ἀνθρώπους ἀπείρους λόγων, κ. τ. λ. Was the office for life? Aristoph. Nubb. 619: λαχὼν τῆτες ἱερομνημονεῖν.

16) Dem. l. c. p. 276; Æschin. l. l. c. 35: whence οἱ ἀεὶ πυλαγοροῦντες, c. 39; conf. Weisk. ad Longin. p. 487.

17) Æschin. F. L. c. 32: ... τούτων ἔδειξα ἕκαστον ἔθνος ἰσόψηφον γενόμενον, τὸ μέγιστον τῷ ἐλαχίστῳ, τὸν ἥκοντα ἐκ Δωρίου (!) καὶ Κυτινίων ἴσον δυνάμενον Λακεδαιμονίοις· δύο γὰρ ψήφους ἕκαστον φέρει ἔθνος· πάλιν ἐκ τῶν Ἰώνων τὸν Ἐρετριέα καὶ Πριηνέα τοῖς Ἀθηναίοις, καὶ τοὺς ἄλλους κατὰ ταὐτά. Hence Letronne, §. 244, is wrong in supposing that the Pylagore had one, and the Hieromnemon the other vote.

18) Strabo, ut supra.

19) Pausan. x. 8. 3; but the passage is defective and corrupt. Comp. Boeckh. ad C. Inscr. i. p. 578.

CHAPTER II.

HISTORY OF THE DORIAN RACE AND OF THE LACEDÆMONIANS IN PARTICULAR.

PART I.

Statement of the changes in the national system of Greece which preceded or accompanied the invasion of the Heraclidæ.

§. 15. The advance of the Heraclidæ[1] and Dorians into the Peloponnesus was only the last of the great migratory movements from the north, by which, very soon after the Trojan war and even partially before it, the population of the territory claimed by the Greeks as their native land, underwent a total revolution in its political relations[2]. It is evident from several circumstances, that the Greek race, next, that is to say, to the Pelasgic, which had before it been more extensively spread over the northern parts[3], was compelled by degrees to yield to, or mingle with, barbarian tribes. The Macedonians, who seized on the district anciently called Emathia[4], were, in all probability, of Illyrian origin[5]; the inhabitants of Epirus, the Chaonians, Thesprotians, Molossi, and others[6], were in the historical period no longer considered by the Greeks as kindred tribes[7]: and the migrations from the neighbourhood of Dodona to the opposite coast of Italy or to the East, could scarcely have had any other origin[8]. Among these must in particular be reckoned the Thessalians, a branch of the Thesprotians of Ephyra[9], who, under leaders reported to have been Heraclidæ[10], seized, soon after the fall of Troy,

on the plains which subsequently bore their name, and partly subdued[11], partly expelled[12], the Æoles, who at that period possessed them. A leading clan of the latter, the Bœotians of Arne[13], bent their course southward to the territory[14] known in history as theirs[15]; its former inhabitants, the Minyæ of Orchomenos[17], the Cadmeones of Thebes[18], the Thracians[19], and others, dispersing among their neighbours and into various colonies[20], disappear henceforward from the page of history: the Tyrrhenian Pelasgi, to whom the Cadmeones had before been obliged to yield[21], took refuge in Attica, which presented an effectual obstacle to the further progress of the Bœotians.

1) Conf. Bernardi ten Haar Comm. præmio ornata, qua resp. ad quæst.: enarrentur Heraclidarum incursiones in Peloponnesum earumque causæ atque effectus exponantur. (Groningæ, 1830.)

2) Vell. Paterc. i. 3: *tum Græcia maximis concussa est motibus.*

3) Æschyl. Suppl. 256; Strab. v, p. 338. B.

4) Justin. vii. 1.

5) K. O. Müller, über die Macedoner, (Berl. 1825,) §. 34—49.

6) Compare de la Nauze Recherches hist. sur les peuples, qui s'établirent en Epire avant la dernière guerre de Troye; Mém. de l'Acad. des Inscript. t. viii. p. 151, sqq.; Raoul-Rochette, Hist. des Col. Gr. i. p. 212, sqq.; Mannert's Geogr. t. vii. §. 630, sqq.

7) Thucyd. ii. 80; Strab. vii. p. 494. A, and 502. B.; comp. Müller's Dorians, i. p. 6. The royal family of the Molossi alone was considered Hellenic in virtue of its descent from Neoptolemus, the son of Achilles. Comp. Strab. vii. p. 503. A.; Justin. xvii. 3; Plut. v. Pyrrh. 1.

8) Spina on the Padus; see Dionys. Hal. i. 18; and Raoul-Rochette, i. 296, sqq.; Müller, Etrusker, i. 142. We have instances of similar names in Lucania and Epirus, in the Chones, (i. e. Χάονες; see P. Victor. Var. Lectt. xxii. 21;) Pandosia, Acheron, and others. Comp. Strab. vi. p. 392, 303; Liv. viii. 24; Niebuhr's Rom. Hist. vol. i. p. 27.

9) Compare Herod. vii. 176; Vell. Paterc. i. 3; Raoul-Rochette, ii. 436, sqq.; and Buttmann on the Aleuadæ (Abh. d. Berl. Acad. 1823,) Mythol. ii. §. 261, sqq., according to whose conjectures they had at a still earlier period resided in Thessaliotis, the most westerly of the four provinces of Thessaly, (Pelasgiotis, Histiæotis, Phthiotis, and Thessaliotis, Strab. ix. p. 658. A.)

10) Thessalus is called the son of Hercules, and father of Antiphus and Phidippus, whom Homer, Iliad ii. 678, names as the leaders of the Coans; Æatus, son of the latter, according to Polyæn. Strateg. viii. 44, led the

expedition against the Bœotians; see Strab. ix. p. 677. On the meaning of the legend, see Buttmann, ut sup. §. 260; and Müller's Dor. i. p. 435. The kings of Macedon were Heraclidæ, and, by the female line, those of the Molossi also.

11) Diodor. iv. 67: *τὴν τότε μὲν Αἰολίδα, νῦν δὲ Θετταλίαν καλουμένην*; comp. also Herod. l. c. According to Vell. these were the Myrmidons, whom Homer indeed, Iliad ii. 681, calls masters of the *Πελασγικὸν Ἄργος*. On this name see Strabo, viii. 568. B.; ix. 659. B.; 676. B.; it belonged, however, to only one part of the population. Homer recognises ten independent principalities in that territory. The other general names, such as Hæmonia, etc. are entirely mythical.

12) See above, §. 12. n. 7.

13) Besides, Diodor. l. c.; Thucyd. vii. 57; Pausan. x. 8. 3; Plut. Quæst. Symp. vi. 8. 1, and others, call the Bœotians Æolians. On the Æolism of their dialect, see Boeckh, ad C. Inscr. i. p. 717—726.

14) Sixty years after the fall of Troy; Thucyd. i. 12; conf. Plut. v. Cimon. 1; Strab. ix. 630. C.; Phot. Bibl. l. c.

15) Were they already in possession of part of that country? see Hom. Il. ii. 494, sqq.; and on the uncertainty of the situation of Arne, Facius ad Pausan. ix. 12. But on this subject in general, consult Müller's Orchom. §. 391—396.

16) Not to mention the mythical Hectenes, Aones, Hyantes, and others. Comp. Strab. vii. 494. C.; ix. 609. A.; 615. C.; Pausan. ix. 5. 1. On Æonia as a poetical common name, see Serv. ad Virg. Eclogg. x. 12; Valcken. ad Eurip. Phœn. v. 645.

17) Comp. Strab. ix. p. 635, sqq.; Pausan. ix. 34, sqq.; and Buttmann on the Minyæ; Abh. d. Berl. Acad. 1820; Mythologus, ii. 194—245; O. Müller's Orchomenos.

18) Herod. v. 57; Diodor. iv. 66, etc.; cf. Müller's Orchom. §. 118.

19) The Schol. on Eurip. Orest. v. 902, *Θρᾴξ ἐκ Δελφῶν*[d], refers to these, who must (with Thucyd. ii. 29,) be clearly distinguished from the barbarous Thracians of the north. They spread over Phocis (Daulis) and Eubœa, (the Abantes, Strab. x. p. 682. A.) See Wachsm. Ant. i. 1. §. 33; and Müller, Orchom. §. 379—390, who attempts to explain all the myths concerning Orpheus, Musæus, Eumolpus, etc., by referring to this people and their worship of the Muses on Helicon and in its vicinity: comp. also Strab. ix. p. 629. A.; and Hüllmann, Anfänge, §. 46, who however seems to identify them with the Cadmeans.

20) The Ægidæ in Sparta, (Herod. iv. 149; comp. Müller's Orchom. §. 329, sqq.;) the Gephyræi in Athens, (Herod. v. 57, sqq.; cf. Ruhnk. ad Vell. Paterc. p. 8; Creuzer's Symbol. iv. 421;) also the Cadmeans, Minyæ, and Abantes, in the Dorian and Ionian settlements in Asia Minor, in Thera, etc.: see Herod. i. 146; Pausan. vii. 2—4. A weak remnant of the Minyæ (originally however from Lemnos) continued to form a distinct state in the district called Triphylia or Parorea, between Messenia and Elis, (Lepreatæ,) Herod. iv. 148; viii. 73; Strab. viii. 519. C.; 534. A.; comp. Müller, Orch. §. 360—376.

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[d] The Delphians used the Thracian names of the months. See Mus. Crit. vol. ii. p. 539. TRANS.

21) Ephor. ap. Strab. ix. p. 616. A.; coll. p. 629. A.; Diodor. xix. 53. These Pelasgi, as the legend ran, were a branch of the Tyrrheni; comp. Dionys. Hal. i. 28. Müller, Orchom. §. 437, sqq., gives a very different account, declaring them to be identical with the Cadmeones, whilst those authors make the latter to have become incorporated with the Bœotians, and to have returned with them.

22) Compare Raoul-Rochette, i. 418—429, and the authorities cited above, §. 6. n. 9.

§. 16. Whether these events were in any way connected with the Dorian invasion, which so soon followed, is the more difficult to ascertain, because the generally received account makes the first attempt of the Dorians, under Hyllus the son of Hercules, to have happened if not before[1], at any rate during[2] the Trojan war. The information we possess concerning this people, gives us no clear insight into their history previous to this attempt[3]. Phthiotis, the most ancient Hellas, is pointed out as their original abode under Deucalion, the mythical father of their race. We next find them in Histiæotis engaged in a contest with the Lapithæ, to whom, apparently, the Perrhæbi had been forced to yield the territory anciently possessed by the Pelasgi about the Peneus[4]. Being driven from Histiæotis by the fugitive Cadmeones[5], the Dorians seem to have settled for a time about mount Pindus, where they obtained the name of Macedones, and at length to have conquered the Dryopian district[6], between Parnassus and mount Œta, whence we see them advancing to the south in the train of the Heraclidæ[7]. The Isthmus, however, appears to have long presented an insurmountable barrier to their progress; but at last, (B. C. 1104,) in conjunction with the Ætolians, under Oxylus, they forced their way into the Peloponnesus by crossing the strait at Rhium[8].

1) Conf. Herod. ix. 26; and Larcher, Chron. d'Hérodote, t. vii. p. 492, sqq.; Manso's Sparta, i. 2, §. 60—62. The genealogy ran thus; Hercules, Hyllus, Cleodæus, Aristomachus, Temenus and his brothers. Hyllus fell by the hand of Echemus before Tegea. From Eurystheus (see

Eurip. Heracl.; coll. Plat. Menex. p. 239. B.; Diodor. iv. 57; Paus. i. 32. 5,) descended (Thucyd. i. 9,) Atreus, Agamemnon, Orestes, Tisamenus. In the interval between the two attempts, Tlepolemus went to Rhodes. See Hom. Il. ii. 653, sqq.; Pind. Olymp. vii. 36, sqq.

2) According to Clavier, Hist. d. pr. t. ii. p. 4.

3) Herod. i. 56; comp. Clavier, ii. 9; Beck, §. 826; Müller's Dorians, i. p. 51—66.

4) Strab. ix. p. 671, sqq.

5) Diodor. iv. 67.

6) Herod. viii. 43. The Dryopes (see above, §. 12. n. 4) formed new settlements in Hermione and Asine in the Peloponnesus, at Styra and Carystus in Eubœa, in Cythnus and elsewhere. Comp. Paus. iv. 34. 6, Raoul-Rochette, i. 434, sqq.; Müller's Dorians, i. p. 97.

7) That district continued still to be considered their mother-country, (*μητρόπολις*,) Herod. viii. 31; Thucyd. iii. 92. It contained four cities, (*τετράπολις*, comp. Strab. ix. 954. A.; Scymn. Chius, v. 591): viz. Erineus, Boïon, Cytinium, and Pindus or Acyphas. The fourth is omitted by Thucyd. i. 107, Diodor., and others; some, on the other hand, mention as many as six. Comp. Meurs. Misc. Lacc. iii. 9; Hemsterh. ad Schol. Aristoph. Plut. v. 385; Raoul-Rochette, Il. p. 249—256. c.; Add. iv. p. 392; Müller's Dorians, i. p. 41—45.

8) Vid. Apollod. ii. 8; Paus. v. 3, 5, et plur. ap. Clavier, ii. 43, sqq.

§. 17. The Arcadians were at this time the only surviving remnant of the Pelasgi[1], according to tradition the earliest possessors of the Peloponnesus[2]. These, although weakened by their division into a number of petty states[3], successfully maintained their independence against the Dorian intruders[4]. The empire of the Ægiates in Sicyon[5] had fallen into decay since the settlement of the Æolic family of the Sisyphidæ[6] in Corinth, and of the Ionians in the twelve cities on the northern coast[7]. The Achæan family[8] of the Atridæ reigned, in Mycenæ[9], over Argolis and Lacedæmon, which the marriage of Orestes the son of Agamemnon with Hermione the daughter of Menelaus[10] had united under the same monarch. Messenia was governed by a branch of the same family[11]. The kingdom of the Nelidæ in Pylos[12], on the coast, comprised Triphylia and southern Elis or Pisa[13]: northern Elis[14] was inhabited by the Epeans[15], who, being of the same race with the Ætolians[16], readily

amalgamated with the followers of Oxylus[17]. From this point the march of the Dorians appears to have lain along the coast[18]; sixty years after Melanthus had abandoned Pylos to them[19] we find them on the frontiers of Attica, where his son Codrus fell in opposing them. The Achæans, driven from their possessions by these intruders, wrested, in their turn, the northern parts of the Peloponnesus from the Ionians. The latter, after finding shelter for a time in Attica, migrated to Asia Minor: the territory from which they had been expelled ever afterwards bore the name of Achaia[20].

1) Compare Beck, §. 349, sqq.; Clavier, i. p. 43, sqq.

2) Thus much of real history seems concealed in the ancient genealogy given by Apollod. ii. 1. The sons of Inachus, Ægialeus and Phoroneus, represent two main divisions of one and the same people, although other accounts date the kings of Sicyon from 235 years before Inachus, (Euseb. Chron. p. 121.) The state of Argos commences with Phoroneus, (Paus. ii. 15. 5,) whose son Apis is a personification of its ancient name Apia, (comp. Siebel. ad Istri Fragm. p. 71; Buttm. Lexil. i. §. 67, 68,) which is as wrongly applied to the whole of the Peloponnesus as Ægialæa in Syncell. p. 78. b. Argos and Pelasgos, the grandsons of Phoroneus, (see other Myths in Sturz ad Hellan. Fgm. p. 50, 51,) represent the separation of Argos from Arcadia, which at all events was an historical fact even if considered (see Clavier, and Raoul-Rochette, i. 202) a result of the changes which the name Danaüs mythically intimates. See below.

3) This rests on the genealogy of Pelasgus in Paus. viii. 1, sqq. Comp. Rabaut. de St. Etienne sur l'hist. prim. p. 162—178; Clavier, i. 122, sqq.; Kortüm hell. Staatsv. p. 156—164.

4) See Herod. ii. 171; Strab. viii. p. 514. B, and the legendary causes in Paus. viii. 5. 4; Polyæn. Strategg. i. 7. Hence they were called Autochthones, Herod. viii. 73; Xen. Hell. vii. 1. 23; Demosth. de F. L. p. 424. extr. Paus. v. 1. 1; and *προσέληνοι*, Apollon. Rhod. iv. 264; Lucian. Astrol. 26; Schol. Aristoph. Nubb. 397; conf. Heyne de Arcadibus luna antiquioribus, in his Opusc. Acad. ii. p. 332—353, and Göttling in the Hermes, 1824; vol. xxiii. §. 90.

5) For the lists of its kings see Paus. ii. 5, 6; and more fully in Euseb. Chron. pp. 122, sqq. ed. Armen.

6) Comprising six generations, according to Paus. ii. 4. 3. Comp. Beck, §. 865, 866. The more ancient kings, Marathon, Polybus, etc. are found again in Sicyon. Compare on this subject in general, Cic. Nonnen spec. antiq. Corinth. (Bremæ, 1747,) C. Wagner rer. Corinth. spec. (Darmst. 1824.) Sicyon itself became subject to Argos after the death of Polybus, (or of Adrastus, comp. Herod. v. 67,) or to Mycenæ, (Paus. ii. 6. 4.)

7) The chief authority is Herod. vii. 94: *Ἴωνες δὲ, ὅσον μὲν χρόνον ἐν Πελοποννήσῳ οἴκεον τὴν νῦν καλεομένην Ἀχαιΐην, καὶ πρὶν ἢ Δα-*

ναύν τε καὶ Ξοῦθον ἀπικέσθαι εἰς Πελοπόννησον, ἐκαλέοντο Πελασγοὶ Αἰγιαλέες, ἐπὶ δὲ Ἴωνος τοῦ Ξούθου Ἴωνες. Comp. i. 145, and Strabo, viii. p. 587, sqq., who brings them out of Attica.

8) On the Achæans see Beck, §. 830; and on the sons of Achæus, Archander and Architeles, in particular, see Manso's Sparta, i. 2. §. 52—54; Clavier on Apollod. ii. 87. Paus. vii. 1. 3; *δυνηθέντων δὲ ἐν Ἄργει καὶ Λακεδαίμονι τῶν Ἀχαιοῦ παίδων, τοὺς ἀνθρώπους ἐνταῦθα ἐξενίκησεν Ἀχαιοὺς κληθῆναι· τοῦτο μὲν σφισὶν ὄνομα ἦν ἐν κοινῷ, Δαναοὶ δὲ Ἀργείοις ἰδίᾳ.* According to Strabo, however, (viii. 561. C.) the Achæans first appeared with Pelops, comp. Clavier, Hist. d. pr. t. i. p. 292, sqq. Their name is also closely connected in the Peloponnesus with the royal family of the Atridæ, although the Heraclid Cleomenes in Herod. v. 72. calls himself an Achæan. Müller indeed, Orchom. 109—113, (comp. Prolegg. §. 184, sqq.) considers the Danaï, who are generally brought from Egypt, as Achæans. The genealogy from Danaüs to Heracles ran thus, (Clavier, i. p. 185, sqq.): Hypermnestra and Lynceus—Abas—Acrisius—Danaë—Perseus—Alcæus—Amphitryon—Hercules.

9) Strab. viii. 571. B.; Euseb. Chron. p. 125.

10) Eurip. Orest. 1649; Paus. ii. 18. 5. The partition of Argolis between Atreus and Thyestes (Euseb. Chron. ii. p. 75. ed. Armen.) ceased on the accession of Agamemnon, Iliad. ii. 108; *Ἄργεϊ παντὶ ἀνάσσων.* But in what relation did he stand to Diomed of Argos? (Iliad. ii. 559—580; Clavier, i. p. 312, sqq.) Did it depend on the still more ancient division of the country between Prœtus, the brother of Acrisius, and the sons of the Æolid Amythaon, Bias and Melampus, the ancestors of the seven chiefs who commanded against Thebes (comp. Diodor. iv. 68; Paus. ii. 18. 4)?

11) Diodor. xv. 66; Strab. viii. 541. D.; but comp. p. 550. A.: *μετὰ δὲ τὴν Μενελάου τελευτὴν, ἐξασθενησάντων τῶν διαδεξαμένων τὴν ἀρχὴν, οἱ Νηλεῖδαι τῆς Μεσσηνίας ἐπῆρχον.*

12) Æolians; see Apollod. i. 9. 9; Diodor. iv. 68; Paus. iv. 2, 3.

13) Is Homer's Pylos the Messenian or rather the Triphylian? Schönemann, Geogr. Homer. p. 35, sqq.; Müller, Orchom. §. 363, sqq.; comp. Strab. xiv. p. 938. C.: *οἵτε Μεσσήνιοι καὶ οἱ Πύλιοι συγγένειάν τινα προσποιοῦνται, καθ' ἣν καὶ Μεσσήνιον τὸν Νέστορα οἱ νεώτεροι ποιηταί φασιν.*

14) Strab. viii. p. 519. It was not till afterwards that the name Elis was extended as far as the frontiers of Messenia. Id. p. 545. B.

15) Æolians consequently, Strab. viii. p. 514. B.

16) Comp. Mannert's Geogr. viii. §. 483; Heyne ad Iliad. t. iv. p. 342.

17) Herod. viii. 73, Paus. v. 1, 2, and others, call the Eleans of a later period a colony of Ætolians, led by Oxylus; and it is very possible that an attempt to reconcile the discrepancy of history by a genealogy made Epeus and Ætolus sons of Endymion and great grandsons of Æolus, although the common tradition rather made the Ætolians a branch of those Epeans who had taken refuge in Acarnania, when expelled from Elis by the Curetes. The difficulty was perceived even by Strabo, x. p. 711. 8. Hence Oxylus is sometimes represented to have formed the settlement only after a struggle—sometimes, unopposed. Comp. Paus. v. 18. 2, and Strabo, viii. 543. D, with 548. A. sqq.; also Müller's Dorians, i. p. 70—74.

18) Pausanias, indeed, (iv. 5. 1,) makes them to have been led by Oxylus right through Arcadia.

19) Strabo, viii. p. 550. A.; ix. 602. A.; Paus. ii. 18. 7. More will be said on this point in treating of Athens.

20) Herod. i. 145; Polyb. ii. 41; Strab. viii. 561. D.; Paus. vii. 1. 3. Comp. Raoul-Rochette, iii. p. 9, sqq.

§. 18. The three provinces governed by the Atridæ [1] were thereupon divided among the sons of the king Aristomachus[2]: Temenus, being the eldest, had Argos, the seat of the former government[3]; Cresphontes is said to have gained the best share, Messenia, by craft[4]; Procles[5] and Eurysthenes, the infant sons of Aristodemus, were put off with Laconia, the worst lot of the three. Dorian adventurers from Argos[6] formed various independent settlements in its neighbourhood; Deiphontes[7] at Epidaurus, Phalces[8] at Sicyon, Aletes[9] at Corinth. Attica lost at least the Megarid[10], which from this time ranked as a Dorian state, at first dependent on Corinth, as Ægina was on Epidaurus[11], but afterwards independent[12]. It is not, however, to be concluded that all these conquests were achieved at once; it appears, on the contrary, that a considerable number of the Achæans, retreating to the fastnesses of the country, boldly held out against the invaders[13], whilst others entered into peaceable and friendly relations with them[14]. It is certain that Amyclæ and other cities were not reduced by the Spartans till a full century later[15], and that Achæan colonies continued to issue from Lacedæmon so late as the eighth and seventh centuries B. C.[16]

1) On the traditions that Hercules had possessed all that territory partly by right of inheritance and partly by conquest, (Isocr. Archid. p. 284; Apollod. ii. 7. 3; Ælian. Vet. Hist. iv. 5; Paus. ii. 18. 6; comp. Clavier, i. p. 251, sqq.), see Müller's Dorians, vol. i. pp. 53. 285. 425.

2) See, besides the authorities already given, Plat. de Legg. iii. 5. p. 683. D.; Wachsm. Ant. i. 1. §. 319, and Kortüm Gesch. Hell. Staatsv. §. 33.

3) Herod. i. 1: *τὸ δὲ Ἄργος τοῦτον τὸν χρόνον προεῖχε ἅπασι τῶν ἐν τῇ νῦν Ἑλλάδι καλεομένῃ χώρῃ.*

4) See Eurip. ap. Strab. viii. p. 563. B. The stratagem is variously related; comp. Apollod. ii. 8. 4; Paus. iv. 3. 3; Schol. Soph. Ajac. v. 1285; Polyæn. i. 6. The fox was the symbol of Messenia.

5) Another reading is Patrocles. But see Marx. ad Eph. pp. 109, 110.

6) Compare Müller, i. p. 94, sqq.; Raoul-Rochette, iii. p. 21, sqq.

7) Paus. ii. 26. 2; comp. Müller, Ægin. p. 40.

8) Paus. ii. 6. 4.

9) Diodor. Frag. L. vii. (t. iv. p. 13. ed. Bipont.) According to the Scholiast on Pind. Ol. xiii. 17, thirty years after the first arrival of the Heraclidæ. It is to be remarked that this genealogy ascends in a distinct line from that of the others directly to Hercules. Compare on this subject in general, Ruhnk. ad Vell. Paterc. i. 3; Marx. ad Eph. p. 112; Wagner, l. c. p. 80.

10) Herod. v. 76; Strab. ix. p. 602. B.; xiv. p. 965. C.; Paus. i. 39. 4; comp. Raoul-Rochette, iii. §. 55; Reinganum's Megaris, §. 64; Welcker's Prolegg. ad Theogn. Reliq. p. xviii.

11) Herod. v. 83; comp. Müller, Æginet. p. 43, sqq.

12) See Müller, i. p. 218, and the interpretations of the proverb Διὸς Κόρινθος, given on Pind. Nem. vii. 155, and Aristoph. Ran. 442. See also Wagner, l. c. sub. fin.

13) Compare Müller, i. p. 90, sqq.; Temenion in Argos (Pausan. ii. 38. 1); and Solygios in Corinth (Thucyd. iv. 42). But were Mycenæ and Tiryns still Achæan in the time of the Persian war, as he asserts (i. §. 83, coll. ii. §. 56)? Is not their independence at that time (Herod. ix. 28) rather connected with the events related by Herod. vi. 83.? Herod. viii. 73 is also adverse to Müller's hypothesis.

14) Some accounts make the earliest kings of the invaders to have incurred the hatred of their Dorian followers by lenity to the vanquished, and hence some explain the circumstance that the names of neither Cresphontes, Procles, nor Eurysthenes were assumed by their descendants, who are called Æpytidæ, Eurypontidæ, and Agidæ respectively (Buttm. Mythol. ii. 267.) See Ephor. ap. Strab. viii. p. 555. A.; 563. A.; coll. Paus. iv. 3. 4. In Corinth Aletes allowed the dethroned kings, Doridas and Hyantidas, to live in his neighbourhood (Paus. ii. 4. 3.) But may we venture so far as to recognise the Nelidæ as independent in Pylos so late as the second Messenian war, as Müller has done, vol. i. p. 114, on the authority of Strab. viii. p. 545. A.; coll. Paus. iv. 18. 1. and 23. 1.

15) Paus. iii. 2; comp. Manso's Sparta, i. 2. §. 138—140; Clinton, F. H. ii. p. 405. This is generally explained to have been in consequence of a revolt. Comp. Clavier, ii. §. 168, sqq.

16) A further account will be given below, chap. iv. Meantime comp. Raoul-Rochette, iii. pp. 113. 188. 195.

§. 19. In the treatment of the inhabitants of the countries conquered, a striking difference is very visible. Part of them[1] remained in the enjoyment of personal freedom and retained their lands, but were compelled to pay tribute and to bear a portion of all

the burdens of the state[2], without participating in the rights of citizenship. They bore the general name of Periœci[3], as forming the rustic population around the capital. In Argos they appear to have been distinguished by the appellation Orneatæ[4]; in Laconia they were called Lacedæmonians by way of distinction from the pure Spartan race[5]. They were distributed into certain districts[6]; subsequently, after the complete reduction of the country, we read of one hundred such[7]. But the inhabitants of the conquered cities experienced a much harder lot, differing in fact from that of slaves in other countries only in the circumstance that their owners were not at liberty to kill or to sell them out of the country[8]; they tilled the soil, paying their masters a fixed portion of the annual produce[9]; attended them on military service as servants, θεράποντες[10], acting at the same time as light armed troops[11], whence they were called κορυνήφοροι in Sicyon, and in Argos Γυμνῆτες or Γυμνήσιοι[12]; in Lacedæmon they were called Helots[13]. The case was much the same in other parts of Greece; thus we have the Penestæ in Thessaly[14], the Bithyni in Byzantium[15], the Callikyrii in Syracuse[16], the Mariandyni in Heraclæa Pontica[17], the Aphamiotæ in Crete, and so forth[18]. The names κατωνακοφόροι in Sicyon, κονίποδες in Epidaurus, κυνόφαλοι in Corinth, which from their etymological derivation[19] have been by some identified with the term Helot, were, more probably, only contemptuous designations of the lower orders of the people[21], corresponding at the worst to the Athenian Θῆτες[22].

1) Comp. Isocr. Panath. p. 642; Ephor. ap. Strab. viii. p. 560, sqq.; Tittmann, gr. Staatsv. §. 586, sqq.; Müller, ii. p. 17. 50. sqq.; Wachsm. Ant. i. 1. §. 160, sqq.

2) So far that is to say as one may consider military service a duty, and not a right. Conf. Herod. ix. 11, and see Hüllmann's Staatsr. d. Alt. §. 87, 88. Might they participate in the public assemblies? See Manso's Sparta,

i. 1. §. 92 ; Tittm. §. 89. On the other hand see Müller, and Göttling in the Hermes, xxiii. §. 104.

3) Compare Valcken. ad Herod. p. 696 ; Larcher, t. iv. p. 378 ; Ducker. ad Thucyd. viii. 22, and Wachsmuth, Ant. i. 1. §. 161. It is to be remarked that Periœci and slaves are not everywhere kept so distinct as in Lacedæmon, in Argos for instance; comp. Herod. vi. 83 with Aristot. Polit. v. 2. 8 ; (see Plut. de virt. mull. t. viii. p. 270. Hutt.) in Crete ; see Aristot. l c. ii. 6. 3. and 7. 3 ; in Thessaly ; comp. Athen. vi. 88 with Xen. Hellen. vi. 1. 7, etc.

4) Herod. viii. 73 ; conf. Müller's Ægin. p. 48. Thucyd. v. 67, calls them *σύμμαχοι*.

5) Compare, besides the authorities cited in note 1, Clinton, F. H. ii. p. 405 ; Tacit. Ann. xi. 24, quid aliud exitio Lacedæmoniis et Atheniensibus fuit nisi quod victos pro alienigenis habebant ?

6) The whole territory into six, according to Ephor. ut sup. ; their names were, according to Müller, i. 110, ii. 19, exclusive of Sparta, Amyclæ, Las, Pharys, Ægys, and Gytheium or Epidaurus Limera. Had they viceroys ?

7) *Λακεδαίμων ἑκατόμπολις*, Strab. viii. p. 557. B. ; comp. Müller, vol. ii. p. 17, sqq. For the names see Meurs. Misc. iv. 1—13 ; Manso, i. 2. §. 16—47 ; Clinton, F. H. ii. p. 401, sqq.

8) See Strab. viii. p. 561. B. ; xii. p. 817. A. ; comp. Athen. vi. 85. Hence *μεταξὺ ἐλευθέρων καὶ δούλων*, Pollux Onom. iii. 83.

9) Plat. Legg. vii. 806. E. ; see below, §. 28 ; comp. Müller, ii. p. 33, sqq.

10) Esquires, comp. Müller, vol. ii. p. 35 ; Wachsm. ii. 1. §. 379.

11) Herod. ix. 10. 28 ; but comp. Clinton, F. H. ii. p. 427, sq.

12) Compare Steph. Byz. s. v. *Χίος*, and Pollux ut sup.—*Γυμνός sine armis* (Boiss. ad Philostr. Heroic. p. 458), or *ψιλός* ; comp. Krabinger on Synesius, §. 214.

13) Capperonier, Recherches sur l'hist. et l'esclavage des Hilotes, in the Mém. de l'Acad. d. Inscr. xxiii. §. 271, sqq., and J. C. Schlägeri Diss. de Helotibus Laced. servis. (Helmst. 1730,) derive the name from the town Helos ; its inhabitants were however called Ἐλεῖοι, as in Strab. viii. 561. A., or Ἐλεάτας, as in Athen. vi. 102. The time of their subjugation is also uncertain, according to Strabo it was effected by Agis ; Plut. Vit. Lycurg. 2, says by Soüs, (comp. Valck. ad Theocr. Adoniaz. p. 266. sqq.) ; Pausanias, iii. 2. 7, and others, by Alcamenes. The name has been derived from ἕλη (q. d. inhabitants of the lowlands) by Hellanicus ap. Harpocr. (Fgm. p. 56. ed. Sturz.) ; by Paus. iii. 20. 6 ; Perizon., ad Æl. Vet. Hist. iii. 20 ; and recently by Göttling, ad. Aristot. Pol. p. 465, and in the Hermes, xxiii. §. 103 ; so also Kortüm, Hellen. Staatsv. §. 33. Müller, on the other hand, asserts that it is from ἕλω, (αἱρέω,) as *δμὼς* from *δμάω* : see his Prolegg. §. 429 ; Wachsm. i. 1. §. 168 ; comp. also Lennep. Etymol. p. 257, and Schæfer ad. Apollon. Rhod. ii. p. 6. Had the Lacedæmonians any slaves besides the Helots ? Compare Manso, i. 2. §. 140.

14) See Sturz. Lex. Xen. iii. p. 501 ; Ast. ad Plat. Legg. p. 322 ; Kortüm, §. 77 ; Müller, ii. p. 66. Was the name derived from *μένειν*, Athen. vi. 88 (conf. Welcker. ad Theogn. p. xx.) or from *πένεσθαι*, Dionys. Hal. ii. 9. p. 255 ; or were they a distinct race ? On their resemblance to the Italian clients, see Niebuhr, vol. i. p. 318.

15) Athen. vi. 101.

16) Valck. ad Herod. vii. 155, Goeller. de situ Syrac. p. 215; Welcker. ad Theogn. p. xix.

17) Plat. de Legg. vi. p. 276. D, and Schneider, ad Aristot. Pol. vii. 5. 7; also called *δωροφόροι*.

18) See below, §. 22; but on the subject at large, comp. Coel. Rhodig. Lectt. Antt. xxv. 19; Ruhnken. ad Tim. Lex. Platon. pp. 212—215; Tittmann. §. 622—629; Hüllmann's Staatsr. §. 31—34; Wachsmuth, Ant. i. 1. §. 169, 170; Müller, ii. p. 50, sqq.

19) Sheep skins and dog skin caps. Compare Myron ap. Athen. xiv. 74, and Müller, ii. p. 39.

20) Welcker. ad Theogn. p. xxxv.

21) Wachsmuth, Ant. i. 1. §. 161.

22) Of these we shall have to speak, meantime comp. Poll. iii. 82: *πελάται δὲ καὶ θῆτες ἐλευθέρων ἐστὶν ονόματα, διὰ πενίαν ἐπ' ἀργυρίῳ δουλευόντων*, and Wachsm. i. 1. §. 322.

PART II.

Of the internal Institutions of the Dorians. Of the Governments of Crete and Lacedæmon.

§. 20. Tradition connects with a king named Ægimius, son of Dorus, all that we know concerning the primitive institutions of the Doric race[1]. He appears to have ceded a third part of his dominions to Hercules, in return for assistance against the Lapithæ[2]. From Hyllus, the son of the hero, and the monarch's two sons, are said to have arisen the names of the three Doric Phylæ, viz. Hyllæi, Dymanes, and Pamphyles[3], which were found in every Doric settlement[4]. Hence Homer[5] mentions a threefold division of even the Dorians of Crete, who are represented to have settled there under Tectamus, a son of Dorus[6]; so that even the legislation of Minos must be considered Dorian[7]. Should however the colonies which were led by Pollis and Althæmenes from the Peloponnesus to Lyctos, Gortyna, and other parts of the island, sixty or eighty years after the invasion of the Hera-

clidæ[8], be considered as the first Dorian settlements in Crete, still the great resemblance between their institutions[9] and the subsequent enactments of Lycurgus, clearly indicates a Doric origin.

1) Pind. Pyth. i. 124; conf. Müller, ii. p. 12. There was an epic poem on Ægimius; comp. Valck. Emend. i. 32; Valck. ad. Eurip. Phœniss. p. 735; G. E. Groddeck in the Bibl. für a. Lit. u. Kunst, ii. p. 84, sqq.

2) Apollod. ii. 7. 7; Diodor. iv. 37. On Hercules as the national deity of the Dorians, comp. Müller, i. 446. 455. Are the Heraclidæ to be considered Achæans, with Herodotus, (v. 72,) or Dorians, as Müller maintains (i. 56, sqq.)? Hüllmann also calls them a Doric clan, Anfänge der Gr. Gesch. §. 122.

3) Conf. Hemsterh. ad Aristoph. Plut. p. 114; Marx. ad Ephori Frgm. p. 97; Böckh in the Heidelb. Jahrb. 1818, §. 307; expl. Pind. p. 234; ad C. Inscr. i. p. 579 and 609; Müller's Orchom. §. 314; Dorians, ii. p. 76; Wachsm. Ant. ii. 1. §. 15.

4) Here and there united with a Phyle of the natives, as with the Ægialeis in Sicyon, Herod. v. 68; the Hyrnethii in Argos, Steph. Byz. s. v. *Δυμᾶν*, coll. Boeckh. ad. C. I. p. 579.

5) Odyss. xix. 177: *τριχάϊκες*; conf. Hesiod. ap. Etymol. M. p. 768; Sylb. and Strab. x. p. 728. C. sqq.; Hoeck's Creta, ii. 17, sqq.; Müller, i. p. 35, and Prolegg. §. 399.

6) Diodor. iv. 60; v. 80; Raoul-Rochette, Hist. des col. Gr. ii. 132, sqq.; Clavier, Hist. d. pr. t. i. 338. On the several Teutami, see Müller's Etrusker, i. 94.

7) Minos is the adoptive son of Asterius, son of Tectamus. Compare Müller, i. 38; and on Minos as legislator (in Gnossus) and the relation he bore to Rhadamanthus, see Diod. v. 78, 79; Strab. x. pp. 729, 730; also Hoeck. ii. 181—200, who however (§. 15—39) is decidedly opposed to the whole tradition, and denies that before the invasion of the Heraclidæ Crete was at all under Doric influence; comp. also Schlosser's Univ. histor. i. 1. §. 308; C. H. Weisse, de diversa naturæ et rationis in civitatibus constituendis indole, (Lips. 1823,) p. 118. On the other hand, see Buttm. Mythologus, ii. §. 211.

8) Althamenes issued from Argos, (Str. x. p. 735. A.; xiv. p. 965. C.,) and also peopled Rhodes; (Conon. Narrat. 47; Apollod. iii. 2. 1. gives another account;) Pollis, from Laconia; (Plut. qu. Gr. 21, and de Mull. Virt. p. 273, t. viii. Hutt.;) whether he founded Gortyna (Conon. c. 36.) or Lyctos is uncertain; the latter is at any rate considered a daughter state of Lacedæmon; (Aristot. Polit. ii. 7. 1; Strabo, x. p. 737. A.); and strictest in maintaining the old Doric customs, from which Gnossus deviated greatly. Both Althamenes and Pollis led out with their Dorian followers Minyæ (Tyrrhenians? see Müller, Orch. §. 317,) and Achæans; hence we find in Crete the names of Peloponnesian cities, as Amyclæ, Mycenæ, Therapnæ, and others. See Hoeck. ii. 417—477.

9) Plato calls them *ἀδελφοὺς νόμους*, de Legg. iii. p. 683. A. According to a common account, the Dorians had in fact only adopted the enactments of Minos: *εὑρῆσθαι μὲν ὑπ' ἐκείνων, ἠκριβωκέναι δὲ τοὺς Σπαρτιάτας*: compare Aristot. and Strab. ll. cc. Polybius (vi. 45, sqq.)

Polybius's denial of all resemblance between them has reference to quite another period.

§. 21. The similarity which appears in the internal organisation[1] of the Lacedæmonian and Cretan states[2] is still, however, confined to the powers the magistrates possessed, and the relation in which they stood to the general assembly of the people, which had merely to ratify or reject the decisions of the senate by a simple aye or no[3]. Crete was ruled by kings only in the earliest times; in their stead arose ten cosmi, chosen without respect to merit[4] out of particular families. They are commonly compared with the Spartan ephori[5], but whatever executive powers the latter may have usurped in after times, they never had, like cosmi, the chief command in war. Of such cosmi as had discharged their duties blamelessly was composed the council of thirty, (*γερουσία, βουλή,*) who possessed the supreme executive and judicial power, without being either bound to follow any written system of law, or accountable for their proceedings[6]. Cosmi were, however, not unfrequently deposed by their colleagues, or by powerful families; occasionally the office was even wholly suspended, (*ἀκοσμία,*) a circumstance which must have proved ruinous to those states[7], but for their isolated condition.

1) The chief authorities on the Cretan institutions are, Ephorus ap. Strabo, x. p. 735, sqq.; and Aristot. Pol. ii. 7; with Göttling's Excursus, §. 472, sqq.; Pastoret, Hist. de la Legisl. vol. v. pp. 63—196; Meurs. Creta, iii. c. 8—14. pp. 162—192; P. J. Bitaubé in Mém. de l'Inst. Lit. et B. A. T. iii. p. 332, sqq.; Sainte-Croix des anciens gouv. fédératifs, p. 329, sqq.; Manso's Sparta, i. 2. §. 98—121; C. F. Neumann rerum Creticarum specimen. (Gött. 1820;) Tittmann's Gr. Staatsv. §. 412—420; Hoeck, iii. 1—139.

2) Although the several states were independent, their institutions were in all essential points the same. Müller's Dorians, ii. 313, sqq.; Hoeck, iii. 21; Tittmann, §. 734. In cases of danger there was the *συγκρητισμός*. Plut. de Frat. Amor. c. 19. t. x. p. 64; Etymol. M. p. 732. 55.

3) *Ἐκκλησίας δὲ μετέχουσι πάντες· κυρία δ' οὐδενός ἐστιν ἀλλ' ἢ συνεπιψηφίσαι τὰ δοκοῦντα τοῖς γέρουσι καὶ τοῖς κόσμοις.* Aristot. §. 4.

4) Γίγνονται γὰρ οἱ τυχόντες., Aristotle, §. 5. Was it annually? Polyb. vi. 46; conf. Hoeck, §. 48; Valck. ad Theocr. p. 272: οἱ ἀεὶ κ.

5) Conf. Cic. de Rep. ii. 33; et plur. ap. Van. Dale Diss. ix. 2. p. 747—760; see, on the other hand, Müller, ii. 130; Hoeck, §. 49. There was one point of resemblance between them, in that the year was named after the first Cosmus, πρωτόκοσμος.

6) Τὸ γὰρ ἀνυπεύθυνον καὶ τὸ διὰ βίου μεῖζόν ἐστι γέρας τῆς ἀξίας αὐτοῖς καὶ τὸ μὴ κατὰ γράμματα ἄρχειν ἀλλ' αὐτογνώμονας ἐπισφαλές. Aristot. §. 6. The chief was called Πρείγιστος; conf. Valck. ad Theocr. Adoniaz. p. 319, 320.

7) Still these convulsions must have eventually brought on the democracy which even Polybius reprobates. Several inscriptions (see, in particular, Chishull, Antiq. Asiatt. Lond. 1728) show that though the names of the offices were retained, their relation to the state underwent a great change, and with this must have been connected the decay of that ancient discipline which had become proverbial among the ancients: comp. Wetsten. ad Pauli Epist. ad Titum, t. ii. p. 370; Sainte-Croix, ut sup. p. 426, sqq.; and A. Mai ad Diodor. Fragm. Vat. p. 119, 120.

§. 22. The resemblance between the manners and customs of the Cretans and Lacedæmonians in private life is still greater: we may instance the warlike character of their education[2], the legal sanction of Pæderasty[3], the contempt of agriculture, which was left entirely to the periœci and slaves, and a custom intimately connected with this state of things, that of common public tables, called ἀγέλαι[4] (of youths), and ἀνδρεῖα[5] (of men). The land was not however in Crete, as in Sparta, equally divided, nor was it unalienable: the expenses of the syssitia were defrayed from a common fund, to which every one contributed a tenth of his income, and the government a portion of its revenues, which were derived partly from the produce of public lands, partly from the tribute exacted of the periœci. The vassal population consisted of three classes, ὑπήκοοι, corresponding to the Lacedæmonian periœci; μνῶΐται or μνῶται[7], slaves belonging to the state; and κλαρῶται or ἀφαμιῶται, the property of individuals[8]; to whom must be added the χρυσώνητοι, slaves purchased for domestic service in the cities.

1) Compare Sainte-Croix, p. 413—426.

2) Aristot. Polit. vii. 2. 5; Plat. de Legg. i. p. 625. D.; ii. 666. E.; iv. 705. D.: comp. Ch. Engel, de republica militari sive comparatio Lacedæmoniorum, Cretensium et Cosaccorum, (Gött. 1790.) On the war-dances, *πυῤῥίχαι*, of the Curetes, see Lobeck. Aglaoph. p. 1126.

3) Plat. de Legg. i. p. 636. C.; viii. p. 836. B.; Per. ad Æl. Vet. Hist. iii. 9; Müller, ii. p. 306—310; Hoeck. iii. 106—119. B. List, de amore Lacedæm. erga pueros honesto, (Lips. 1743.) Among both wrestlers at first contended naked, see Plat. de Republ. v. p. 452. C.; comp. Thucyd. i. 6; Dionys. Hal. vii. 72: "*Flagiti principium est, nudare inter cives corpora.*" Ennius ap. Cic. Tuscul. iv. 33.

4) From their eighteenth year; comp. Hoeck. iii. 100, sqq.; Müller, ii. p. 307; Children of a more tender age sat at their father's feet in the Syssita, Müller, ii. p. 295.

5) An important authority, besides those already quoted, is Athen. iv. 22. For a detailed account, see Hoeck, §. 120—139; Müller, ii. 290, sqq. On the Syssitia in general, see Hüllmann's Anfänge, §. 138, sqq.

6) Sosicrates ap. Athen. vi. 84: *τὴν μὲν κοινὴν δουλείαν οἱ Κρῆτες καλοῦσι μνοίαν, τὴν δὲ ἰδίαν ἀφαμιώτας, τοὺς δὲ περιοίκους ὑπηκόους.* Conf. Neumann, i. 1. c. xi. p. 125, sqq.; Müller, vol. ii. p. 51; Hoeck, iii. 22—42, and the writers quoted above, §. 19. n. 18.

7) Is the word to be explained *Μινῴα*, as Göttling asserts, but Hoeck and others deny? compare especially the Scolion of Hybrias in Illgen, §. 192, sqq.; and Clavier Hist. d. pr. t. ii. 181, 182.

8) *Ἀφαμία* id quod *κλῆρος*, Wachsm. i. 1. §. 170. Platner appears to me wrong in doubting the identity of the Clarotæ and Aphamiotæ, (in Tub. Jurist. Zeitschrift. v. i. §. 17.)

9) Callistratus ap. Athen. l. c.; et Eustath. ad Iliad. O. 431.

§. 23. If these Cretan institutions be considered genuine relics of Dorian customs, their introduction into Lacedæmon by Lycurgus[1] would be but the revival[2] of that discipline which alone had imparted to a clan of mountaineers energy to overthrow the mighty kingdoms of the Atridæ, but had soon decayed in the riot of victory[3]. In the earliest history of the three kingdoms are clear indications of the opposition of the commonalty to the hereditary power of their monarchs[4], which in Argos it eventually destroyed[5]. An amicable adjustment of these contentions, by accurately defining the rights and honours due to each estate, and the establishment of a good understanding by means of an independent and intermediate council,

appears to have been the object of the few fundamental regulations on which the Spartan constitution was based from the time of Lycurgus. Their very name (ῥῆτραι) seems to indicate contracts[7], rather than oracles[8]. However strongly this interpretation may seem contradicted by the manner in which Lycurgus obtained not only his own consecration to the office of legislator[9], but his laws themselves from the mouth of the Delphic God, whose oracle, proceeding from the sanctuary of their race, ever exercised a decisive influence over the internal affairs of Dorian nations[10]. Perfectly consistent with this design was the share he had[11] in the revival of the Olympic games by Iphitus of Elis[12], which established a national connection between the Dorian and the more ancient population of the Peloponnesus. The chronological difficulties[13], which induced some ancient writers to ascribe this transaction to another Lycurgus, are not so great as to authorise such an hypothesis[14].

1) The chief authorities concerning Lycurgus, his legislation, and the public affairs of Sparta, are, Aristot. Pol. ii. 6; with Göttling's Excursus, pp. 463—471; Xenoph. de Rep. Lac.; Justin. iii. 3; Plut. v. Lycurgi, and Instituta Laconica; Manso, i. 1. §. 78—189. 1. 2. §. 63—97; Wachsm. i. 1. §. 216, 226; Tittm. §. 89—140; Clavier, ii. p. 134—163.

2) See Heeren's Researches, Greece, p. 139; Hüllmann's Anfänge, §. 150; Müller, ii. 14, sqq.

3) Conf. Plat. de Legg. iii. p. 685, sqq. Of Sparta Herodotus himself says (i. 65): *τὸ δὲ ἔτι πρότερον τούτων καὶ κακονομώτατοι ἦσαν σχεδὸν πάντων τῶν Ἑλλήνων, μετέβαλον δὲ ὧδε ἐς εὐνομίην.* Conf. Thucyd. i. 18; Heracl. Pont. p. 2823: *Λυκοῦργος καταλαβὼν πολλὴν ἀνομίαν ἐν τῇ πατρίδι καὶ Χαρίλαον τυραννικῶς ἄρχοντα* (conf. Aristot. Pol. v. 10. 3) *κ. τ. λ.*; Plut. V. Lycurg. 2: *τοῦ μὲν δήμου θρασυνομένου, τῶν δὲ ὑστερον βασιλέων τά μὲν ἀπεχθανομένων τῷ βιάζεσθαι τοὺς πολλούς, τὰ δὲ πρὸς χάριν ἢ δι' ἀσθένειαν ὑποφερομένων, ἀνομία καὶ ἀταξία κατέσχε τὴν Σπάρτην ἐπὶ πολὺν χρόνον.* Strabo indeed gives a quite different account, viii. p. 562. A. Plutarch (de Musicâ, c. 42) also speaks of sedition in Lacedæmon.

4) Plut. ibid. c. 7: *ὥστε μὴ παθεῖν, ἃ Μεσσήνιοι καὶ Ἀργεῖοι τοὺς παρ' αὐτοῖς βασιλεῖς ἐδρασαν μηδὲν ἐνδοῦναι μηδὲ χαλάσαι τῆς ἐξουσίας ἐπὶ τὸ δημοτικὸν ἐθελήσαντας.* In Messenia: *διοικούμενον τὸν Κρεσφόντην τὰ πολλὰ εἰς χάριν τοῦ δήμου οἱ τὰ χρήματα ἔχοντες ἀποκτείνουσιν ἐπαναστάντες*, Paus. iv. 3. 4; conf. Isocr. Archid. p. 284; but the Argives (says Paus. ii. 19. 2), *ἅτε ἰσηγορίαν καὶ τὸ αὐτόνομον ἀγα-*

πῶντες ἐκ παλαιοτάτου, τὰ τῆς ἐξουσίας τῶν βασιλέων εἰς ἐλάχιστον προήγαγον, ὡς μηδὲν Μήδωνι τῷ Κείσου καὶ τοῖς ἀπογόνοις λειφθῆναι ἢ τὸ ὄνομα τῆς βασιλείας μόνον. Μέλταν δὲ τὸν Λακήδεω τὸ παράπαν ἔπαυσεν ἀρχῆς καταγνοὺς ὁ δῆμος (Ol. lv.) Conf. Clavier, ii. p. 118.

5) Soon after the Persian war, see Müller's Dorians, ii. p. 112.

6) Plat. de Legg. iii. p. 691. E. with Ast's note, p. 173; Plut. V. Lycurg. c. 5: αἰωρουμένη γὰρ ἡ πολιτεία καὶ ἀποκλίνουσα νῦν μὲν ὡς τοὺς βασιλεῖς ἐπὶ τυραννίδα, νῦν δὲ ὡς τὸ πλῆθος ἐπὶ δημοκρατίαν, οἷον ἔρμα τὴν τῶν γερόντων ἀρχὴν ἐν μέσῳ θεμένη καὶ ἰσορροπήσασα τὴν ἀσφαλεστάτην τάξιν ἔσχε καὶ κατάστασιν.

7) Hesychius: Ῥῆτραι = συνθῆκαι διὰ λόγων. Conf. Ruhnk. ad Tim. Lex. Platon. p. 228; Sturz. Lex. Xenoph. t. iv. p. 7; Boeckh. ad C. Inscr. t. i. p. 28. Xenoph. Rep. Lac. xv. 1: βούλομαι δὲ καὶ, ἃς βασιλεῖ πρὸς τὴν πόλιν συνθήκας ὁ Λυκοῦργος ἐποίησε, διηγήσασθαι, conf. Isocr. l. c.: ὑμεῖς μὲν οὖν μέχρι ταύτης τῆς ἡμέρας ἐμμένετε ταῖς συνθήκαις καὶ τοῖς ὅρκοις, οὓς ἐποιήσασθε πρὸς τοὺς προγόνους τοὺς ἡμετέρους.— Μεσσήνιοι δὲ εἰς τοῦτ' ἀσέβειας ἦλθον, κ. τ. λ. The king swore, on ascending the throne (Nicol. Damasc. p. 525) and at the commencement of every month, κατὰ τοὺς τῆς πόλεως νόμους βασιλεύειν, the people pledged themselves, ἐμπεδοῦντος ἐκείνου ἀστυφέλικτον τὴν βασιλειαν παρέξειν, see Xen. l. l. §. 7, and Plat. de Legg. iii. p. 684. A.

8) So Plut. V. Lyc. c. 13. Others take it in a wider sense; Etymol. M. p. 703: ῥήτρα γὰρ κατὰ Δωριεῖς ὁ νόμος; see the anonymous writer in Spengel's Artium Scr. p. 224; and Mazocchi ad Tabb. Heracl. p. 235; also Müller, i. p. 153.

9) Herod. i. 65; Xen. Rep. Lac. viii. 5; Strab. xvi. p. 1105. C. et plur. ap. Ast. ad Plat. de Legg. p. 6.

10) See, on this subject in general, Merxlo de vi et efficacia oraculi Delphici in Græcorum res. (Ultraj. 1822) and Piotrowski de gravitate oraculi Delphici, (Lips. 1829,) particularly §. 61, sqq. Hence the Πύθεοι in the royal train, θεόπροποι ἐς Δέλφους, Herod. vi. 57; comp. Müller, ii. p. 13.

11) Plut. V. Lycurg. 23; conf. Müller, i. p. 151, sqq. On the ἐκεχειρία, see above, §. 10. n. 6.

12) See Pausan. v. 4. 4, and on the mythical founders, v. 7. 4, sqq.; comp. Clavier, ii. p. 230, sqq. Most authorities mention Hercules, Diod. iv. 14; Apollod. ii. 7. 2; comp. Strab. viii. p. 544. A.; others, as Vell. Paterc. i. 8, Atreus; according to Strabo, viii. p. 548, C., the games were at an earlier period under the superintendence of the Achæans before they came into the hands of the Eleans.

13) Compare Plut. V. Lycurg. 1; Euseb. Chron. pp. 131—133, ed. Armen.; Meurs. Misc. Lacc. ii. 5. p. 123, sqq.; Müller, i. 151; ii. 512; Clinton, F. H. ii. pp. 403—410. Apollodorus and Eratosthenes (ap. Clem. Alex. Stromatt. i. p. 336, B.) say he flourished 219 years after the invasion of the Heraclidæ, consequently 884 B. C., which agrees with the statement of Aristodemus of Elis, that between Iphitus and the first Olympiad (that in which Coræbus of Elis was victor) twenty-seven Olympiads had elapsed, the victors in which had not been recorded. Callimachus indeed says only thirteen, and Clinton is consequently inclined (see however Pref. p. viii.) to set him, with Thucydides (i. 18) not much more than 400 years before the end of the Peloponnesian war. Plato's Minos, p. 318, C., goes for nothing; but if, as Herodotus asserts, (i. 65,) Labotas was his ward, his time falls earlier (B. C. 994); Aristot. however, Polit.

ii. 7. 1, and the genealogy in Strabo, x. p. 737, are in favour of Charilaus. See also De la Barre Eclaircissemens sur l'histoire de Lycurgue, in the Mém. de l'Acad. des Inscr. t. vii. p. 262, sqq.

14) Compare Goeller de situ Syrac. p. 252; Cic. Rep. ii. 10. Are we however, on account of these difficulties, to agree with Müller in considering him a fabulous character.

§. 24. The first Rhetra[1] enacted the institution of a senate to act with the kings, the distribution of the people into Phylæ and Obes, and the time and place of their assemblies, in which they were moreover to decide by a simple aye or no[2] concerning the measures laid before them[3]: when subsequently these assemblies attempted to amend the measures proposed, the senate and kings were empowered by a new clause[4] to stop the proceedings on such occasions. The Obes[5] were thirty in number, the Phylæ only four, Pitana, Limnæ, Mesoa, and Cynosura[6], named simply from places in the capital or its vicinity[7]. The prevalence of the number five in many offices[8] justifies however the attempt to distinguish a fifth Phyle[9]. Every Spartan was entitled to take part in the public assemblies on attaining his thirtieth year[10]; the Periœci were, in all probability, wholly excluded[11]. Foreigners were very rarely admitted to the rights of citizenship[12]; Helots certainly often obtained their freedom[13] for state reasons[14], but whether they were admitted to the full privileges of citizens is very doubtful[15], even though ὅμοιοι and ὑπομείονες[16] be considered as different denominations from those of *old* and *new* citizens[17].

1) Plut. Lycurg. c. 6: Διὸς Ἑλλανίου καὶ Ἀθανᾶς Ἑλλανίας ἱερὸν ἱδρυσάμενον, φυλὰς φυλάξαντα καὶ ὠβὰς ὠβάξαντα τριάκοντα, γερουσίαν σὺν ἀρχαγέταις καταστήσαντα, ὥρας ἐξ ὥρας ἀπελλάζειν μεταξὺ Βαβύκας τε καὶ Κνακίωνος, οὕτως εἰσφέρειν τε καὶ ἀφίστασθαι, δᾶμῳ δ' ἀνωγὰν εἶμεν καὶ κράτος.

2) βοᾷ καὶ οὐ ψήφῳ, Thucyd. i. 87; conf. Plat. l. l. c. 26.

3) As in Crete; comp. above, §. 21. n. 3, and what Aristotle states, by way of contrast, respecting Carthage, ii. 8. 3; see also iv. 11. 9. But does this amount to a democracy, as Tittmann argues? Comp. Aristot. Polit. iv. 7. 5.

4) Tacit. Dial. de Orator, c. 40: quem enim oratorem Lacedæmonium, quem Cretensem accepimus? Plut. l. l. c. 6: Πολύδωρος καὶ Θεόπομπος οἱ βασιλεῖς τάδε τῇ ῥήτρᾳ παρενέγραψαν· αἱ δὲ σκολιὰν ὁ δᾶμος αἰρῆται, τοὺς πρεσβυγενέας καὶ ἀρχαγέτας ἀποστατῆρας εἶμεν. But orators afterwards arose, comp. Thucyd. i. 85; Æschin. adv. Timarch. c. 73; Liban. Declam. 24: νόμος ἐν Λακεδαίμονι, τὸν εἴσω τριάκοντα ἐτῶν μὴ δημηγορεῖν. Compare, however, Müller, ii. p. 92.

5) Müller, ii. p. 79, sqq.

6) Paus. iii. 16. 6.

7) Strabo, viii. 559. B.; he had just before (558. B.) called Limnæ προάστειον, but there can scarcely have been an ἄστυ in Sparta, οὐ ξυνοικισθείσης πόλεως, κατὰ κώμας δὲ τῷ παλαίῳ τῆς Ἑλλάδος τρόπῳ οἰκουμένης, Thucyd. i. 10. Hence Müller, ii. p. 50, (differing from the opinion he had expressed in Orchom. §. 314,) rightly recognises these κῶμαι in the Phylæ. Wachsm. ii. 1. §. 19, maintains that the name is never applied to them in its proper sense.

8) Müller, ii. p. 120.

9) The ancients, following Herod. iv. 149, reckoned the Agidæ (see above, §. 15. n. 20) as a fifth Phylæ; Barthélemy (Anach. note to chap. xli.) also retains it as such, rejecting with reason the sixth, (that of the Heraclidæ,) which Cragius would introduce, (see Manso, i. 2. §. 122, sqq.) In Müller, Amyclæ (Orchom. §. 316) makes the sixth. Boeckh however more correctly refers (Comp. Inscr. i. p. 609) to Hesychius, Δύμη ἐν Σπάρτῃ φυλὴ καὶ τόπος. Tittm. (§. 137) asserts that there were six; Hüllmann, Urgeschichte d. Staatsv. (Königsb. 1817) §. 7., and after him Göttling, l. c. p. 466, contend for ten; there is not sufficient ground for either hypothesis. Was the division into three kindred tribes (§. 29) still preserved, or was it superseded (Platner, ut sup. §. 24) by the division according to the localities of the country?

10) Plut. Vit. Lycurg. c. 25.

11) See above, §. 19. n. 2. Clavier, ii. p. 167, considers them as Municipes entitled to the rights of citizenship whenever they settled in the city itself.? What however is meant by the μικρὰ ἐκκλησία in Xen. Hellen. iii. 3. 8.? Comp. Tittm. §. 99; Müller's Dorians, ii. p. 21, sqq.; Wachsm. i. 2. §. 212.

12) Herod. ix. 35; but see Aristot. Polit. ii. 6. 12.

13) The chief authority is Myro, apud Athen. vi. 102: Πολλάκις ἠλευθέρωσαν Λακεδαιμόνιοι δούλους, καὶ οὓς μὲν ἀφετὰς ἐκάλεσαν, οὓς δὲ ἀδεσπότους, οὓς δὲ ἐρυκτῆρας, δεσποσιοναύτας δ' ἄλλους, οὓς εἰς τοὺς στόλους κατέτασσον, ἄλλους δὲ νευδαμώδεις, ἑτέρους ὄντας τῶν εἱλώτων. Comp. Meurs. Misc. ii. 7. p. 131, sqq.; Müller, ii. p. 44; and on the Neodamodes in particular, Thucyd. v. 67; vii. 58; and Sturz. Lex. Xen. iii. 192; also Manso, i. 1. §. 234, and Tittmann, §. 598.

14) No private citizen could emancipate his Helots; comp. Strab. viii. p. 561. B.

15) Manso, i. 2. §. 155; compare Dio Chrysost. Or. xxxvi. p. 446. B.; οὐδὲ ὑπάρχει τοῖς Εἱλώταις γίγνεσθαι Σπαρτιάταις. Phylarchus apud Athen. l. c. asserts the same even of those called Mothaces, or Mothones (τροφίμοι, οἰκογένεις, vernæ), although Gylippus, Callieratidas, and Lysander are represented to have been of that class. Comp. Ælian. V. Hist. xii. 43; Meurs. l. l. ii. 6. p. 129; and Schneid. ad Xen. Hellen. v. 3. 9.

16) See the authorities cited by Schneid. ad Xen. Hellen. iii. 3. 5; and comp. Manso, i. 1. §. 231, sqq. (especially §. 239, n. *h*); Tittmann, §. 584—586; Müller, ii. p. 85; and Wachsm. i. 2. §. 210, are not explicit. The *ὁμότιμοι*, mentioned in the Cyropædia, i. 2. 15, and elsewhere, afford the best parallel.

17) See Wachsm. i. 1. §. 218.

§. 25. Another Rhetra forbad the use of written laws[1]. This, whilst on one hand it evinced Lycurgus' wish to impart to his enactments the imperceptible influence of custom, formed on the other the foundation of that unlimited power[2] which the higher magistrates possessed of deciding irresponsibly in all individual cases according to their own judgment or caprice[3]. The highest authority[4] of the state was vested in the *γερουσία*, or council of twenty-eight elders. None could be a member of this till he had reached the age[5] of sixty; the office was held for life. In this assembly the two kings of the race of the Heraclidæ presided[6]; that however they had each a double vote was denounced as an erroneous opinion as early as the time of Thucydides[7]. Their insignia were splendid[8], their political influence, compared with that of the senate, trifling[9]. It was only when engaged in military service beyond the frontiers, that they possessed unlimited[10] power; and the Ephori succeeded in limiting it even on these occasions[11]. As to the Ephori themselves, who in the end so greatly diminished the power of the kings, they were in the time of Lycurgus mere police magistrates forming a court of justice[12], especially charged with the decision of ordinary civil cases[13], which was also their office in other Doric states; the *γερουσία* tried criminal causes; family disputes came before the kings; the other public officers exercised powers both judicial and correctional in their respective departments.

1) Plut. V. Lycurg. 13: *νόμους δὲ γεγραμμένους ὁ Λυκοῦργος οὐκ ἔθηκεν, ἀλλὰ μία τῶν καλουμένων ῥητρῶν ἐστὶν αὕτη, κ. τ. λ.*

2) Hence their immutability. Comp. Thucyd. i. 18; Plat. Hipp. Maj. p. 284. B.; Cic. pro Flacco, c. 26; Plut. Lycurg. 29.

3) *Αὐτογνώμονες καὶ ἀνυπεύθυνοι*, as in Crete. Aristot. Polit. ii. 6. 16; 7. 6: comp. Müller, ii. p. 235; Weisse, l. c. p. 127; and my Diss. de Jure et Auct. Magg. p. 61.

4) See F. A. Wolf, ad Demosth. Leptin. §. 88. p. 324: *τῆς ἀρετῆς ἆθλον, τῆς πολιτείας κυρίῳ γενέσθαι μετὰ τῶν ὁμοίων.* Conf. Aristot. ii. 6. 15; Xenoph. Rep. Lac. c. 10.

5) Comp. Tittmann, §. 117; Hüllmann's Staatsr. §. 309; Müller, ii. p. 94, sqq. The mode of election is described by Plut. c. 26: comp. Aristot. ii. 6. 18. . . . *κατά τε τὴν κρίσιν ἐστὶ παιδαριώδης καὶ τὸ αὐτὸν αἱτεῖσθαι τὸν ἀξιωθησόμενον τῆς ἀρχῆς οὐκ ὀρθῶς ἔχει.*

6) For a detailed history of the kings, see Cragius, ii. 2.

7) Thucyd. i. 20. It certainly is not implied in what Herod. (vi. 57.) says. Lucian, Harmon. c. 3, proves nothing.

8) Herod. vi. 52—58; Xenoph. Rep. Lac. c. 13, 15. Particularly, *Σεμνοτέρα ἢ κατ' ἄνθρωπον ταφή*, Xenoph. Hellen. iii. 3. 1. Comp. Müller, ii. p. 103, sqq.; and on their train in war, (*οἱ περὶ τὰν δαμοσίαν*, Morus, ad Xen. Hellen. iv. 5. 8.) p. 255. *Βασιλικὸς φόρος*, Platon. Alc. i. p. 123. A.

9) Dionys. Hal. ii. 14; conf. Plat. Legg. iii. 692. A.; Plut. Lycurg. 5; Cic. Rep. ii. 9.

10) Aristot. Pol. iii. 9. 2: comp. Tittm. p. 97; Göttling in the Hermes, §. 97. Not however before the *Διαβατήρια* had been performed: comp. Drumann, §. 704; Poppo's Prolegg. ad Thucyd. i. 2. p. 106.

11) Of this we shall have to speak below, §. 45. The ancient Rhetra, *μὴ πολλάκις ἐπὶ τοὺς αὐτοὺς στρατεύειν*, (Plut. V. Ages. 26; Lycurg. 13,) bears on this point at an earlier period.

12) Müller, ii. p. 116; Tittmann, §. 104, sqq.; Schubert de Ædilibus, (Königsb. 1828,) p. 75, sqq.

13) Aristot. Polit. iii. 1. 7: *τὰς τῶν συμβολαίων δικάζει τῶν ἐφόρων ἄλλος ἄλλας, οἱ δὲ γέροντες τὰς φονικὰς, ἑτέρα δ' ἴσως ἀρχή τις ἑτέρας.* Conf. Xenoph. Rep. Lac. 10. 2; Plut. Lycurg. 26.

14) Herod. vii. 57; cases of adoption, and law-suits concerning heiresses, *ἐπιπάμονες*, or *ἐπιπαματίδες*, att. *ἐπίκληροι*: comp. Sluiteri Lectt. Andoc. p. 82; Ruhnk. ad Tim. p. 209; Müller, ii. p. 209; Wachsm. ii. 1. §. 355.

15) Of these the chief were the *παιδονόμος*, and the *βίδεοι*, who attended to the training of the young men; the *ἁρμοσύνοι*, who presided over the education of the women; and the *ἐμπέλωροι*, inspectors of the markets. Comp. Crag. ii. 5, sqq.; Tittm. §. 127—130; Wachsm. i. 1. §. 124; Schubert de Ædilibus, pp. 71. 101. 105; Boeckh, ad C. Inscr. i. p. 608, sqq.

16) On the administration of the laws and the constitution of the courts of justice in Lacedæmon, see Müller, vol. ii. p. 115, sqq.; Wachsm. ii. 1. 351—361.

§. 26. All the other institutions ascribed to Lycurgus tended to cherish that simplicity of manners and

warlike spirit, the union of which forms in history the characteristic feature of the Dorian race[2], and could alone be the basis of a social system to the support of which every member of the state contributed his individual energies, at the same time that he was certain of never being emancipated from the trammels the interests of that system might impose[3]. With a view to this end the youth, who, strictly speaking, was indebted to the state for his very existence[4], was enrolled at the age of seven in the ἀγέλαι[5] (βοῦαι), and ἴλαι[6], to be trained to the arts and hardships of the future warrior[7], and to imbibe that patriotic spirit and habit of stern military subordination[8], which the state considered essential to its prosperity. The sole compensation held out for so toilsome an education[9], was the authority which each successive stage of seniority exercised over the next junior rank; the ambition of this, coupled with a sense of honour[10], served to fetter subjects of every age to the system. Thus the young man from the age of twenty[11], when he began to be called εἴρην[12], (from eighteen to twenty he was μελλείρην,) exercised a direct authority over his juniors in their several classes[13], being at the same time answerable for the exercise of this authority to all his seniors[14]; whilst all were bound alike to show filial obedience and respect to the man advanced in years[15], even though he had not attained that prize of old age, a seat in the gerusia.

1) Ἀνδρία καὶ σωφροσύνη, Polyb. vi. 48; conf. Thucyd. i. 84. C., Inscript. i. n. 1350; and, on the subject at large independently of Sparta, see Plat. Politic. p. 306, sqq. They affected simplicity in their dwellings, (Plut. Lycurg. 23: τὴν μὲν ὀροφὴν ἀπὸ πελέκεως εἰργασμένην, τὰς δὲ θυρὰς ἀπὸ πρίονος μόνον; comp. Müller, vol. ii. p. 271, sqq.); in their clothing, Manso, i. 2. §. 196, sqq.; Müller, vol. ii. p. 277, sqq.; Zell. ad Aristot. Eth. p. 156.); in their meals, (see J. D. Winkler, de Lac. vet. continentia in victu, in Act. Soc. Lat. Jen. vol. v. p. 60, sqq.)

2) Müller, Dor. vol. ii. p. 405, sqq.; Göttling in the Hermes for 1825, xxv. §. 124; Platner, ut sup. vol. i. §. 18. In considering this subject, we must not overlook the external influence of the situation and poverty of

the country—*τὰ κακῶς τρέφοντα χώρι' ἀνδρείους ποιεῖ*, Menand. ap. Stob. Serm. liv. p. 367. Gesn.—which compelled the legislator to train up the Spartans for warriors, and to frame the constitution of a sovereign and conquering state, especially as he trusted for the maintenance of its greatness to the same means as were to create it. Aristotle only confirms the judgment Plato had pronounced: *ὅτι πρὸς μέρος ἀρετῆς ἡ πᾶσα σύνταξις τῶν νόμων ἐστὶ τὴν πολεμικήν*: see above, §. 22. n. 1; and Aristot. Polit. ii. 6. 22; also Plat. Lach. p. 182. E.; Polyb. vi. 49; and Isocr. Archid. p. 314: *τῶν Ἑλλήνων διενηνόχαμεν οὐ τῷ μεγέθει τῆς πόλεως οὐδὲ τῷ πλήθει τῶν ἀνδρῶν, ἀλλ' ὅτι τὴν πολιτείαν ὁμοίαν κατεστησάμεθα στρατοπέδῳ καλῶς διοικουμένῳ καὶ πειθαρχεῖν θέλοντι τοῖς ἄρχουσι.*

3) See Plut. Lycurg. c. 25; and Tittm. §. 17—20: Müller, ii. p. 1, sqq.; and Rötscher, ut sup. §. 85, sqq., whose characteristics of the ancient principles of government are far more applicable to Sparta than to Athens.

4) Plut. c. 16. The exposition of infants, see P. Petiti, Obss. Misc. iii. 16.

5) Valcken. ad Theocr. Adoniaz. p. 274.

6) Xen. Rep. Lac. ii. 12; comp. Müller, ii. p. 316.

7) Plat. Legg. ii. p. 659. D.: *παιδεία μέν ἐστιν ἡ παίδων ὁλκή τε καὶ ἀγωγὴ πρὸς τὸν ὑπὸ τοῦ νόμου λόγον ὀρθὸν εἰρημένον, κ. τ. λ.* For particulars, comp. Xen. Rep. Lac. c. 2; Müller, ii. p. 246, sqq. On the *διαμαστίγωσις*, at the altar of Diana Orthia, comp. Pausan. iii. 16. 7; and for a further account, see Meurs. Græcia fer. s. v.; Davis. ad Cic. Tuscul. v. 27; Manso, i. 2. §. 183; Müller, ii. p. 313, sqq.

8) *Ὁμόνοια καὶ πειθαρχία*: conf. Xenoph. Mem. Socrat. iv. 4. 5; Rep. Lac. c. 8; Diodor. Fgm. Vat. vii. 2; Plut. Lycurg. c. 30; Agesil. c. 1; Cleom. c. 9; reip. ger. præc. c. 20. extr.

9) Aristot. Polit. vii. 13. 13: *ἀγανακτεῖ δὲ οὐδεὶς καθ' ἡλικίαν ἀρχόμενος—ἄλλως τε καὶ μέλλων ἀντιλαμβάνειν τοῦτον τὸν ἔρανον, ὅταν τύχῃ τῆς ἱκνουμένης ἡλικίας.*

10) *Τὸ φιλότιμον καὶ φιλόνεικον*, Plut. Lysand. c. 2; Agesil. c. 5.

11) Plut. Lycurg. c. 17; conf. Meurs. Misc. Lacc. ii. 3.

12) i. e. *ἄρχων*, according to Herod. ix. 85; Müller, ii. p. 315.

13) Thence called *Βοναγοί*: in course of time proper officers were appointed. Comp. Boeckh. ad C. Inscr. i. p. 612.

14) But especially to the *Παιδόνομος*. Comp. Xen. Rep. Lac. iii. 10, sqq.

15) Compare Klotz, ad Tyrt. Rell. p. 95, 96; Ast, ad Plat. Remp. p. 483, 484. *Lacedæmon honestissimum domicilium senectutis.* Cic. de Senect. c. 18; Dionys. Hal. Exc. Archæol. (ed. Maj.) xx. 2: *Λακεδαιμόνιοι ὅτι τοῖς πρεσβυτάτοις ἐπέτρεπον τοὺς ἀκοσμοῦντας τῶν πολιτῶν ἐν ὅτῳ τινὶ δὴ τῶν δημοσίων τόπων ταῖς βακτηρίαις παίειν.*

§. 27. As to the three branches[1] of Greek education, which were in a general way recognised even in Lacedæmon[2], the literary instruction (*γραμματικὴ*) was

very scanty[3], and even music[4] and gymnastics[5] were less attended to than in the rest of Greece; yet the Spartan genius sufficiently displayed its energy in the striking brevity of their expressions[6], nor were they strangers[7] to epic poetry; but the simple Dorian lyric[8] in particular pervaded all branches of their public life, whilst more pains were bestowed than any where else on producing activity and strength of body by a variety of exercises[9]. It was with an immediate view to the improvement of the whole population in this respect[10], (an all-important object with their legislator[11],) that even the youth of the female sex took part in most of these exercises: although he may also have intended to simplify education in general, by making it as nearly as possible the same for all. But whilst, on the one hand, this system gradually effaced every characteristic of female excellence from the Spartan women[12]; on the other, the common exercises which not only served to train the young, but formed the business of the old men, together with their common repasts and entertainments were the bane of all domestic life[13]. The occupations of the gymnasium, the chase, the pheiditia and leschæ[14], brought the day to its close: and the night was spent even by the married men, for a length of time after marriage, in the dormitories of the *ἀγέλαι* and *ἴλαι*.

1) Compare Wyttenb. ad Plut. de Educ. pp. 37. 38; Creuzeri Or. de Athen. Civit. Human. Princ. (Franc. 1826,) pp. 55. 56; and C. F. H. Hochheimer's Versuch eines Systems d. Erziehung d. Gr. (Dessau. 1788,); F. D. Göss, Erziehungswissenchaft nach den Grundsätzen der Griechen und Römer. (Ansbach, 1808.)

2) S. G. T. Schmidt, præs. Jacobs, de cura Laconum circa institutionem, exercitia et studia suorum, (Jenæ, 1704); A. Krigel Diss. de Lycurgi legibus, quas Lacedæmone de puerorum educatione tulit, (Lips. 1726); M. Norberg de educatione puerili apud Spartanos, (Lund. 1796); Messerschmidt de Spartanorum vett. *παιδαγωγία*, in Act. Soc. Lat. Jen. t. v. p. 72, sqq.; and Manso, i. 2. §. 156, sqq.; Müller, vol. ii. p. 313, sqq.

3) Plut. Institt. Lacc. t. viii. p. 247: *γράμματα ἕνεκα τῆς χρείας ἔμαθον· τῶν δ' ἄλλων παιδευμάτων ξενηλασίαν ἐποιοῦντο.* Hence they

were called *ἀπαίδευτοι*. Comp. Periz. ad Æl. Vet. Hist. xii. 50; Ast über Platon's Lehren u. Schriften, §. 74; and, de la Nauze sur l'état des sciences chez les Lac.; Mém. de l'Acad. des Inscr. xix. p. 166, sqq.

4) Athen. xiv. 33; Müller's Dorians, vol. ii. p. 329, sqq. See the story of Timotheus the Milesian, (Plut. Agis. c. 10; Paus. iii. 12. 8: on the authenticity of the decree, consult Boëthius de Musicâ, and Müller's Dorians, l. c.; Plat. Rep. iv. p. 424. C.: *οὐδαμοῦ γὰρ κινοῦνται μουσικῆς τρόποι ἀνεὺ πολιτικῶν τρόπων τῶν μεγίστων*. Comp. Heinrich's Epimenides, §. 163, sqq.; Rötscher, ut sup. §. 184, sqq.; Jacob's Academ. Reden, (Leipz. 1829), §. 274, sqq.

5) Plut. Lycurg. c. 19: *ταῦτα μόνα μὴ κωλύσαντος ἀγωνίζεσθαι τοὺς πολίτας, ἐν οἷς χεὶρ οὐκ ἀνατείνεται*: conf. Seneca de Benef. v. 3; Plat. Lach. p. 183. A.

6) Compare Meurs. Misc. Lacc. iii. 3; J. G. Hauptmann de Lacc. Eloquentia (Geræ, 1779;) Ast. ad Plat. Legg. p. 67; Müller, vol. ii. p. 393.

7) Plat. de Legg. iii. p. 680; on the connection between Lycurgus and Homer, see F. A. Wolf's Prolegg. in Hom. p. 139; and comp. Plat. Hipp. Maj. p. 285. D.

8) See Boeckh de Metris Pind. p. 238; and the commentators on Plat. Rep. iii. 10. p. 399. A.

9) Compare Crag. iii. 9. On their warlike games, see Lucian. Anachars. c. 38; Paus. iii. 14. 8. On the practice of theft, Xen. Anab. iv. 6. 4; and comp. Lochmann "de furti apud Lacc. licentia;" also Müller, vol. ii. p. 324, sqq. On the Gymnopædia, see Xenoph. Hellen. vi. 4. 16; Davis. ad Max. Tyr. vi. 8; Ast. ad Plat. de Legg. p. 43; Creuzeri Comm. Herod. i. p. 230.

10) Cic. Tuscul. ii. 19; Plut. Lycurg. 14. Did they perform their exercises alone, or with the men; Müller, vol. ii. p. 325; but comp. Jacob's Academ. Reden. §. 202.

11) See the marriage laws in Plut. Vit. Lycurg. 15; Xen. Rep. Lac. 1; and comp. Müller. ii. p. 298, sqq.; Wachsm. ii. 1. 317. Certain privileges were allowed to fathers of three or more sons, Aristot. Pol. ii. 6. 13; Æl. Vet. Hist. vi. 6. There were *Δίκαι κακογαμίου* and *ἀγαμίου*; comp. Crag. iii. 4; Meurs. Misc. Lacc. ii. 3. p. 108; J. H. Wacker de Lycurgi ad matrimonium pertinentibus institutis, (Lips. 1743); J. C. Schlægeri schediasma de jure cælibatus apud Lacedæmonios, prefixed to his Diss. rariorum fascic. nov. (Helmst. 1743); F. Osanni de cœlibum apud veteres populos conditione Comm. i. (Gissæ, 1827,) p. 5, sqq.

12) Eurip. Androm. v. 588, sqq.; Plat. de Legg. i. 637. C.; vi. 781. A.; Arist. Polit. ii. 6. 5; Rhetor. i. 5. 6. *Γυναῖκες ἀργοὶ ταλασίας*, Plat. l. c. vii. 806. A.; comp. Xen. Rep. Lac. i. 4. Women possessed great influence, Plut. Lycurg. 14; comp. Agis. c. 7: *ἅτε δὲ τοὺς Λακεδαιμονίους ἐπιστάμενος κατηκόους ὄντας ἀεὶ τῶν γυναικῶν καὶ πλεῖον ἐκείναις τῶν δημοσίων, ἢ τῶν ἰδίων αὐτοῖς πολυπραγμονεῖν διδόντας*.

13) Xen. Rep. Lac. iv. 7; Plut. Lycurg. 24.

14) On the Leschæ, (Plut. Vit. Lycurg. 25; Paus. iii. 14, 15,) comp. Meurs. ad Lycophr. p. 226; and Miss. Lacc. iv. 16; Kühn. ad Æl. Vet. Hist. ii. 34; Græv. ad Hesiod. Op. et Dies. v. 493. B.; Thorlacii Diss. duæ: Leschæ Græcorum, in Opusce. t. i. p. 69—95; Müller, vol. ii. p. 403; Wachsm. ii. 2. §. 41.

§. 28. The Spartan, cut off as he was from all foreign intercourse by the ξενηλασία[1], the prohibition to travel[2] and the absence of the precious metals[3], could not find at home either encouragement or opportunity to consider himself even so far independent of the state, as to entertain any private interests or pursue any aims of his own[4]. The division of all the cultivated land into equal portions, none of which could be alienated or subdivided[5], further contributed to this constraint. Of these portions, at least after the conquest of Messenia, 9000 were appropriated to the Spartans[6], and 30,000 of less extent assigned to the Periœci. The latter also remained in possession of whatever traffic was carried on, and cultivated their lands without molestation[7]. The Spartan citizen lived as a soldier in his camp[8]. The Helot tended his land, furnishing him annually[9] as much as was required to meet the expenses of the Syssitia[10]. Of these Syssitia or Pheiditia[11], only the men partook, the women ate at home, the children and youths in their respective ἴλαι and ἀγέλαι. Among the men each mess consisted generally of fifty persons; new messmates, σύσκηνοι[12], were admitted only by the unanimous votes of the actual members, given by ballot. In this particular the Pheiditia possessed a political influence[13], resembling that of private associations, and formed the lowest subdivisions, military[14] as well as civil, of the body politic.

1) Compare Meurs. Misc. Lacc. ii. 9. p. 142; Periz. ad Æl. Vet. Hist. xiii. 16; Ducker. ad Thucyd. i. 144; Beck. ad Aristoph. Aves, v. 1013; Heind. ad Plat. Protag. p. 580; Tittmann, §. 27; L. de la Nauze in Mém. de l'Acad. des Inscr. xii. p. 159, sqq.; Jo. Chr. Hetzer, Diss. de Lacedæmoniorum ξενηλασίᾳ, s. rigore adv. peregrinos, (Lips. 1671.) For exceptions, see Müller, ii. p. 4, coll. p. 413.

2) See, besides the above, Neumann ad Arist. Frgm. p. 129. Can it have been on penalty of death? (Plut. Agis. c. 11.) For the reasons of the law, comp. Plat. de Legg. xii. p. 950, sqq., and Plut. Lycurg. 27.

3) On the iron coin, see Polyb. vi. 47; Plut. Lysand. c. 17; and, Fischer ad Æschin. Socr. ii. 24. p. 79. edit. iii. The fact is doubted

however by de Pauw, Recherches Philos. sur les Grecs, t. ii. p. 272, sqq.; Eckhel Doctr. numm. Vett. i. 2. p. 178; Manso, i. 1. §. 162, sqq. Had they also leathern money? See Seneca de Benef. v. 14; Stob. Serm. 145; Nicol. Damasc. p. 525.

4) Compare Plat. de Legg. vi. p. 780.

5) Manso, i. 2. §. 129, sqq.; Müller, ii. p. 202, 205.

6) Plut. Vit. Lycurg. c. 8; comp. Aristot. Polit. v. 6. 2: *συνέβη δὲ τοῦτο ἐν Λακεδαίμονι ὑπὸ τὸν Μεσσηνιακὸν πόλεμον—θλιβόμενοι γάρ τινες ἠξίουν ἀνάδαστον ποιεῖν τὴν χώραν.* There had previously been, according to some, 600, others say 4500 lots. Isocr. Panath. p. 680, assumes that there were at first only 2000 Spartans. Comp. Manso, i. 1. §. 110. Were there any common lands in Lacedæmon? See Kortüm, §. 17.

7) Periz. ad Æl. Vet. Hist. vi. 6. 3. On their industry, compare Müller, ii. p. 24.

8) Plut. Lycurg. 24.—*Ἀργία ἀδελφὴ ἐλευθερίας*: comp. Wachsm. ii. 1. §. 50. 51. The Schol. on Thucyd. i. 84, has a different meaning.

9) Their rent, *ἀποφορὰ*, amounted to seventy medimns of corn for the proprietors, and twelve for his wife, with a proportionate quantity of oil and wine. How much remained for the Helot? Compare Müller, vol. ii. p. 32.

10) Each member contributed (according to Plutarch) monthly a medimn of flour, eight choæ of wine, five minæ of cheese, two and a half minæ of figs, and something in money for extras; this was independent of the contributions from sacrifices and the produce of the chase, presented by individuals (*ἐπαΐκλα*: for *ἀΐκλον* meant the meal; repasts at a sacrifice were properly called *κοπίδες*.) Compare Plut. Lycurg. 12; Athen. iv. 15—21; and the other authorities quoted by Ast, ad Plat. Rep. p. 476.

11) Aristot. Polit. ii. 6. 21. *Φειδίτια*, (from the *μέλας ζωμὸς*, and moderation in drinking, comp. Critias ap. Athen. x. 41; Xen. Rep. Lac. v. 4,) or *φιλίτια*, which Göttling, ad Aristot. Œcon. p. 190, asserts should always be read for *φειδίτια*. See Meurs. Misc. i. 9, 10; Manso, i. 2. §. 188, sqq.; Müller, vol. ii. p. 293; Wachsm. ii. 2. §. 21—25.

12) Xen. Rep. Lac. vii. 4.

13) Plat. de Legg. i. p. 636. B.: *τὰ γυμνάσια καὶ τὰ συσσίτια πολλὰ μὲν ἄλλα ὠφελεῖ τὰς πόλεις, πρὸς δὲ στάσεις χαλεπά*: comp. Plut. Qu. Symp. vii. 9.

14) Herod. i. 65: *τὰ ἐς πόλεμον ἔχοντα, ἐνωμοτίας καὶ τριηκάδας καὶ συσσίτια.* Hence they were subordinate to the Polemarchs.

§. 29. The great and ultimate object of all the political institutions of Sparta, namely, the formation of an army[1], was altogether based upon that nicely graduated system of subordination, which gave to almost every individual a degree of authority, rendering the

whole military force a community of commanders[2], an organisation so perfect, that the signal given by the king ran in an instant through the whole host. The foundation of this system lay in the enomoties[3] likewise instituted by Lycurgus. Thucydides[4] seems to reckon them at thirty-two men each; other writers say twenty-five. Two enomoties formed a pentecostys, two of these a lochos, and four lochi made a mora[5]. At the head of each mora was a polemarch[6], of whom there were six in Sparta[7]. It is to be remarked, that the moræ seem to have likewise been civil distinctions[8]; but what relation the divisions of the army bore to the phylæ and obes can scarcely be ascertained, since even Thucydides denied the existence of the λόχος Πιτανάτης, which others admitted[9]. The cavalry was divided into oulami of fifty men each[10], but this portion of the Lacedæmonian army was unimportant, and served only to cover the wings of the infantry, as we know, for instance, the Scritæ[11] did. The 300 knights forming the king's body guard must not be confounded with the cavalry[12]. They were the choicest of the Spartan youths[13], were posted in the centre with the king[14], and fought either on horseback or on foot as occasion might require[15].

1) See especially, Crag. iv. 4; Meurs. Miscell. ii. 1, 2; Manso, i. 12. §. 224, sqq.; Müller, ii. p. 246—268.

2) Thucyd. v. 66: *σχεδὸν γάρ τοι πᾶν πλὴν ὀλίγου τὸ στρατόπεδον τῶν Λακεδαιμονίων ἄρχοντες ἀρχόντων εἰσὶ καὶ τὸ ἐπιμελὲς τοῦ ὁρωμένου πολλοῖς προσήκει.* Comp. Xen. Cyr. viii. 1. 14; Plut. Vit. Pelop. 23; Meurs. l. c. p. 98; Wachsm. ii. 1. §. 383, sqq.

3) Herod. i. 65. Brotherhoods, *τάξεις διὰ σφαγίων ἐνώμοτοι*, as Hesychius calls them.

4) Thucyd. v. 68: according to Xen. Hellen. vi. 4. 12: it contained thirty-six men.

5) Xen. Rep. Lac. xi. 4: conf. Vales. ad Harpocr. p. 309. Thucydides, in reckoning four Enomotiæ and Pentecosties, probably included the Perioeci who fought in the ranks with the Spartans, (see §. 19. n. 2,) and then it is likely that, like the Roman *socii*, they doubled the numbers of the several divisions of the army.

6) Not μοραγός: see Boeckh ad C. Inscr. i. pp. 89. and 578.

7) See G. H. Martini de Spartiatarum mora, (Ratisb. 1771,) and Sturz Lex. Xenoph. iii. pp. 172—174; Meurs. Lectt. Att. i. 16, who however confounds μόρα and λόχος. As to their strength, even the ancients were divided between 500, 700, and 900 men, (Plut. Vit. Pelop. 17;) the number probably varied according as all or only part of the population of age for service (from twenty to sixty) was called out. See Xen. Hellen. vi. 4. 17: compare too Thucyd. v. 68.

8) Tittmann, §. 136.

9) Compare Thucyd. i. 20, and, on the other hand, Herod. ix. 53. According to Müller, ii. p. 49, Thucydides does not admit its existence.

10) Plut. Vit. Lycurg. 23; but in Xenoph. we find cavalry divided into λόχοι and μόραι: comp. also Wachsm. ii. 1. §. 400. Did this regulation date from B. C. 424? See Thucyd. iv. 55.

11) Who were constantly posted by themselves on the left wing, Thucyd. v. 67. That they were cavalry is certain from Xen. Cyr. iv. 2. 1; although it is disputed by Manso, i. 2. §. 228; Tittm. §. 595; Müller, ii. §. 242. They came from a district on the borders of Arcadia. See Clinton, F. H. vol. ii. p. 403, sqq.

12) As Diodor. xv. 32, has shown.

13) Compare Larcher, Mém. de l'Acad. des Inscr. t. xlviii. p. 96—103. On their selection by three of the ephors called ἱππάγρεται, see Xen. Rep. Lac. iv. 3. These youths are probably the same as the three ὁμοῖοι, who were in constant attendance on the king. Comp. Xen. l. c. xiii. 1; Müller's Dorians, ii. p. 111. Herodotus, (i. 67,) mentions five ἀγαθοεργοί.

14) Conf. Thucyd. v. 72; Isocr. Epist. p. 976, et plur. ap. Meurs. Misc. Lacc. ii. 4. pp. 117, 118, sqq.; Leopold. ad Plut. Vit. Lycurg. c. 25. What however is meant by the τέσσαρες λόχοι, οἷς ἐκέχρητο ὁ βασιλεύς, of the Schol. Aristoph. Acharn. 1038; Lysistr. 453?

15) Dionys. Hal. ii. 13.

§. 30. The strength of a Lacedæmonian army consisted then principally in the excellence of their heavy armed infantry for attack in closely serried ranks, whose steadiness, maintained by a system of deliberate tactics[1], was not impaired by the most complicated manœuvres and evolutions (ἐξελιγμοὶ, παραγωγαὶ,) in which Spartan troops by reason of their perfect organisation, were far more expert than any others[2]. A coat of iron-mail, a large shield[3], long spear[4] and short sword[5], contributed to render the Spartan Hoplite invincible[6], whilst his whole appearance was calculated to strike terror into the enemy[7]. Their light

infantry, on the other hand, consisting of Helots[8], must be considered merely as irregular militia; they seem to have but seldom employed peltasts[9], the scientific organisation of which by Iphicrates[10], connected as it was with the training of mercenaries[11] in general, gave the first blow to their military superiority[12]; and at last Epaminondas found the secret of breaking their firm array by directing the whole shock of his columns on a single point[13]. In naval engagements their chief endeavour was to bring the affair to a standing fight on the decks[14], as they proved far inferior to their enemies in the management of their vessels[15].

1) Thucyd. v. 70: Λακεδαιμόνιοι βραδέως καὶ ὑπὸ αὐλητῶν πολλῶν νόμῳ ἐγκαθεστώτων· οὐ τοῦ θείου χάριν, ἀλλ' ἵνα ὁμαλῶς μετὰ ῥυθμοῦ βαίνοντες προέλθοιεν καὶ μὴ διασπασθείη αὐτοῖς ἡ τάξις. Conf. Pausan. iii. 17. 5: τὰς ἐξόδους ἐπὶ τὰς μάχας οὐ μετὰ σαλπίγγων ἐποιοῦντο, ἀλλὰ πρὸς τε αὐλῶν μέλη καὶ ὑπὸ λύρας καὶ κιθάρας κρούσμασιν. See Luc. de Salt. 10; Gell. i. 11; Davis. ad Cic. Tuscul. ii. 15. As to whether the other Greeks marched in time, see Nast's Kriegsalterthümer, §. 93. The rule which prohibited plunder during an engagement (σκυλεύειν: Ælian. Vet. Hist. vi. 6; Plut. Apophth. Lacc. t. viii. p. 226) and the custom of never pursuing a broken enemy, (Thucyd. v. 73: Plut. Lycurg. c. 23; Paus. iv. 8. 3,) contributed to preserve the ranks unbroken. Compare Müller, ii. p. 263.

2) Compare Xen. Rep. Lac. xi. 4, sqq.; Ælian. Tact. c. 26; Potter's Archæol. iii. c. 6; Nast, ut sup. §. 82, sqq. It was only military operations on a large scale that the Spartan spirit occasionally objected to, even at the cost of subordination, Herod. ix. 50; Thucyd. v. 71, 72. Yet it did not disdain occasionally to feign a flight, Herod. vii. 211; Plat. Lach. p. 191, C.

3) Tyrtæus, ii. 23: μήρους τε κνήμας τε κάτω καὶ στέρνα καὶ ὤμους Ἀσπίδος εὐρείης γαστρὶ καλυψάμενος. Furnished with the τελαμῶνες, not the ὄχανοι; see Plut. Vit. Cleom. c. 11; conf. Herod. i. 171.

4) Herod. vii. 211; Polyb. Exc. Vatic. Mai, xxv. 1. p. 418.

5) Plut. Lycurg. c. 19.

6) Müller, ii. p. 244. Herodotus says expressly that the victory at Platæa was due to them, ix. 62, 63, (comp. Diodor. xi. 7.)

7) Xen. Rep. Lac. xi. 3; they wore a scarlet uniform (φοινικὶς στολή, see Ælian. Vet Hist. vi. 6; Neum. ad Aristot. Frgm. p. 131) and long hair (κομᾶν, conf. Plut. Vit. Lycurg. c. 22; Aristot. Rhetor. i. 9. 26; did the custom date from B. C. 550? Herod. i. 82, coll. Plut. Lysand. c. 1.) but no mustaches? (μὴ τρέφειν μύστακα, see Plut. Vit. Cleom. c. 9, and Wyttenb. ad eund. de sera num. vind. p. 25; Müller, ii. p. 130).

8) See above, §. 19, n. 11. So Thucyd. v. 57: ἐστράτευον αὐτοὶ καὶ οἱ Εἵλωτες πανδημεί (comp. iv. 94).

9) Thucyd. iv. 111.

10) Compare Diodor. xv. 44; Corn. Nep. xi. 1, and on this arm in general, which was intermediate between the ὁπλῖται and ψιλοί (*cetrati*) Sturz, Lex. Xen. iii. p. 494; Wachsmuth, ii. 1. §. 401.

11) On this subject in general, see Heeren's Res. Greece, p. 197, sqq.; Drumann, §. 644—666; Wachsmuth, i. 2. §. 309, sqq. Particularly τὸ ἐν Κορίνθῳ ξενικὸν, comp. Harpocr. s. v. p. 209; Schol. Aristoph. Plut. v. 173.

12) For the victory won by Iphicrates over the Spartan Mora, see Xen. Hellen. iv. 5. 11, sqq.; Plut. Vit. Ages. c. 22. Comp. Xen. iv. 4. 16, sqq.

13) See the descriptions of the battles of Leuctra and Mantinea in Xen. Hellen. vi. 4. 12, sqq.; vii. 5. 23, sqq.; Diodor. xv. 55. 86.

14) Thucyd. ii. 89; conf. i. 49; vii. 62. Their vessels were indeed at a later period chiefly manned by mercenaries and Helots, Xenoph. Hellen. vii. 1. 12.

15) See the sea-fight described in Thucyd. ii. 83—92; Diodor. xii. 48; xiii. 40. 46; and on the naval tactics of the Greeks in general (περίπλοι, διέκπλοι, ἀντίπρωρον ξυγκροῦσαι, Thucyd. vii. 36); E. F. Poppo de statu Græciæ civili et militari tempore belli Peloponnesiaci, in his Prolegg. ad Thucyd. (Lips. 1823,) part i. vol. ii. p. 62, sqq.

PART III.

History of the Rise of Lacedæmon, and its Ἡγεμονία of Greece.

§. 31. The warlike spirit which Lycurgus thus aroused and reduced to system, soon displayed itself under the kings Charilaus, Taleclus, and Alcamenes, in the total subjugation of the Achæans still remaining in the Peloponnese[1]. Then, too, were the rich plains of Messenia added to the domain of Sparta after two obstinate wars (B. C. 743—723, and 685—668[2]). It is sufficient for us to notice here, two particulars respecting these wars. First, the peculiar mode of attack, (such as had probably been employed against the Achæan cities[3], and was, at a later period, renewed in the war with Athens,) and the incompetency the Spartans displayed in sieges, not only at Ithome

and Ira, but on other occasions[4]; secondly, the clemency with which in the first war they treated the land of a people of their own race[5] as compared with their destructive fury in the second, which they regarded as a struggle with revolted slaves. For, after the first war, the Messenians had become subject and tributary to Sparta[6]; after the second, they were reduced to the condition of Helots[7]. The poet Tyrtæus[8], in the second Messenian war, considerably aided the cause of Sparta. In his elegies and embateria[9] he supplied words and expression to the warlike spirit of the people, to which music was already considered a necessary accompaniment. He even came to be regarded as the inventor of choruses and festive songs.

1) See above, §. 18. n. 15; Ægys, Amyklæ, Pharis, Geronthræ, Helos.

2) Pausan. iv. 4—24; Justin. iii. 4, 5. Comp. Müller's Dorians, i. 109, and, on the credibility of Pausanias, Manso, i. 2. §. 268—274. Sainte-Croix, Mém. sur l'Hist. et la Chronol. des Messéniens, in Mém. de l'Acad. des Inscr. xlv. p. 321, sqq.

3) See §. 18. n. 13. Amphea *ὁρμητήριον*; Pausan. iv. 5. 3. In the Peloponnesian war, the attempt on Œnoë, Thucyd. ii. 18; afterwards Decelea. See also Thucyd. i. 142.

4) *Ὥστε οὐκ ἐπιστάμενοι τειχομαχέειν*, Herod. ix. 70; conf. Thucyd. i. 102, and Paus. iv. 7. 1.

5) Paus. iv. 7. 1: *τὴν μὲν χώραν οὐκ ἐλυμαίνοντο, ἅτε δὴ νομίζοντες οἰκείαν, οὐδὲ δένδρα ἔκοπτον οὐδὲ οἰκήματα κατέβαλον· οἱ δὲ λείαν, εἰ περιτύχοιεν, ἤλαυνον, καὶ σῖτον καὶ τὸν ἄλλον καρπὸν ἀφῃροῦντο*, just as Plato directs, Rep. v. p. 470, A. Compare the instance of Alyattes in Herod. i. 17; that of the Megarians in Plut. Qu. Gr. c. 17; also Xen. Cyr. v. 4. 27, with the course Archidamus pursued in Attica; Aristoph. Pac. 628—631.

6) Pausan. iv. 14. 3; Ælian. Vet. Hist. vi. 1.

7) Paus. iv. 23. 1. What connection was there between the Messenians and Helots? Comp. Thucyd. i. 101, with the commentators.

8) Lycurg. adv. Leocr. c. 28; Strab. viii. p. 557, A.; Pausan. iv. 15, 3; plur. ap. Meurs. Misc. Lacc. ii. 1. §. 101, sqq.; Manso, i. 2. §. 282—287.

9) In Anapæsts; see Manso's Sp. i. 2. §. 170; Boeckh. de metr. Pind. p. 130. Comp. Athen. xiv. 29, and especially Meurs. Misc. ii. 11. p. 149, sqq.; Leopold. ad Plut. Vit. Lyc. 21; Müller, ii. p. 349, sqq. See Fragments of his poetry in the collection of Chr. Ad. Klotz, (Altenb. 1767,) and in J. Val. Francke's Callinus, (Altonæ, 1816.) Compare A. Matthiæ de Tyrtæi carminibus, (Altenb. 1820.)

§. 32. The Arcadians[1] are mentioned as the close allies of the Messenians in these wars, having themselves from a very early period had to resist the incessant attacks of the Lacedæmonians[2]. The Tegeatæ, the most powerful of their tribes, protracted their resistance for several centuries with obstinacy and success. It was not till B. C. 600, or later[3], that Sparta succeeded in forcing them to acknowledge her military supremacy, which by that time nearly all Peloponnesus recognised[4], and the fame of which had made its way beyond the boundaries of Greece[5]. The particular circumstances, and the degrees by which Lacedæmon attained this superiority over its neighbours, are not known; but we may collect that it was chiefly by overthrowing the tyrants who flourished about that period in all the cities of Greece, and whose extermination seems to have been one of the chief objects[6] of the policy by which Sparta established its authority throughout the Peloponnesus, and obtained influence over its internal affairs[7].

1) The traitor Aristocrates was king of Orchomenos; comp. Müller, Æginet. p. 65.

2) Aristot. Polit. ii. 6. 8; Isocr. Archidam. p. 322. extr. Such was Soüs in Cleitor, Plut. Vit. Lycurg. 2; other instances are given by Müller, i. §. 152; and particularly in Polyæn. ii. 13, where the correct reading probably is, *τοὺς Ἄγιν ἀνῃρηκότας*.

3) They took prisoners the kings Charilaüs (Pausan. viii. 48. 3.) and Theopompus (Polyæn. viii. 34.) See Herod. i. 66.

4) Herod. i. 67, 68: *ἤδη δέ σφι καὶ ἡ πολλὴ τῆς Πελοποννήσου ἦν κατεστραμμένη*. Comp. Isocr. Panathen. p. 574: *οὐδὲν ἐπαύοντο κατὰ μίαν ἑκάστην τῶν πόλεων τῶν ἐν Πελοποννήσῳ πολιορκοῦντες καὶ κακῶς ποιοῦντες καὶ καταστρέψαντες πλὴν τῆς Ἀργείων*; and p. 680; also Strab. viii. p. 545. B.

5) Hence ambassadors came to them from Crœsus, (Herod. i. 69: *ὑμέας γὰρ πυνθάνομαι προεστάναι τῆς Ἑλλάδος*), from Ionia, (i. 152. v. 49,) and even from the Scythians, (vi. 84.)

6) Herod. v. 92; Thucyd. i. 18; Aristot. Polit. v. 8. 18; comp. Manso, i. 2. §. 300, sqq.; Müller, i. p. 194, sqq.; Wachsmuth, i. 1. §. 288, 289. For a catalogue of tyrants who had been expelled, see Plut. de Malign. Herod. c. 21. They made war on Polycrates of Samos; comp. Herod. iii. 44, sqq., and Th. Panofka's Res Samiorum, (Berl. 1822,) §. 37, sqq.

7) Thucyd. i. 76: Ὑμεῖς μέν, ὦ Λακεδαιμόνιοι, τὰς ἐν τῇ Πελοποννήσῳ πόλεις ἐπὶ τὸ ὑμῖν ὠφέλιμον καταστησάμενοι ἐξηγεῖσθε. Conf. i. 19. 144; v. 81, 82.

§. 33. We find, at this period, only two states in the Peloponnesus free from Lacedæmonian influence, the Achæans and the Argives [1]. The former are absolutely nothing in the classical times of Greece: with respect to Argos, the Lacedæmonians contented themselves with humbling and depriving it of the supremacy (ἡγεμονία) which properly belonged to it as the royal residence of the ancient Achæan monarchs, and as the tribe of the eldest of the Heraclidæ [2]. Only once does Argos appear really at the head of the Peloponnesus, viz. about the eighth Olymp. [3] (B. C. 748) under Pheidon I. [4], to whom is ascribed the introduction of money, (coined at Ægina [5],) and of uniform weights and measures [6]: this transient power, however, he had attained only by force of arms, and he appears, even in the government of his own kingdom, to have exceeded the limits of his hereditary authority; since, although of the race of Temenus, he is styled a tyrant [7]. The chief subject of contention between Sparta and Argos was the border district of Cynuria [8], with its chief town Thyrea: these, after various contests, fell effectually, B. C. 550, into the hands of the Lacedæmonians [9]. The subsequent decisive overthrow of the Argives near Tiryns, by the Spartan king Cleomenes [10], permanently ensured Sparta's political preponderance [11]: the Argives, from that time, could do no more than refuse to join in any enterprise in which Sparta claimed the command; some feeble efforts which they afterwards made to share, if not regain, this supremacy proved ineffectual [12].

1) See Thucyd. ii. 9; Pausan. vii. 6. 3. Compare also Thucyd. iii. 92. v. 82.

2) Compare Clavier, Hist. d. pr. temps, t. i. Disc. prél. pp. 42, 43.

3) Pausan. vi. 22. 2; the tenth Olympiad from Temenus, according to Strabo, or are we, with Goeller, (de Situ Syr. p. 253,) to reckon from Iphitus, not Corœbus, since he must have been contemporary with Lycurgus, (Heeren's Res. Greece, p. 167. n. b), and the Parian Chron., as well as other authorities, make him to have been the eleventh from Hercules? Compare Clav. ii. p. 211—216. Were there not rather two, three, or even four (Neumann. ad Aristot. Rerumpub. Frag. p. 104) of the name? See Larcher, Mém. de l'Acad. des Inscript. t. xlvi. p. 27, sqq.; and Müller's Æginet. p. 51—63; Dorians, vol. i. p. 177, sqq.

4) Strab. viii. p. 549. B; Plut. Narr. Amat. 2; t. xii. p. 71. Hutt.

5) Strab. viii. p. 577. B.; conf. Per. ad Æl. Vet. Hist. xii. 10; Marx. ad Eph. Frag. p. 161.

6) Herod. vi. 127. Why is he called a Corinthian by the Schol. on Pind. Olymp. xiii. 20?

7) Aristot. Polit. v. 8. 4.

8) See Müller's Æginet. p. 46—50; Dorians, vol. i. p. 176; Clinton, F. H. vol. ii. p. 424; Poppo, l. c. p. 206. The river Tanaus formed the boundary on the side of Argos, Eur. Electr. v. 408. On the situation and extent of Cynuria see Leake's Travels, ch. 22.

9) By Othryadas; comp. Herod. i. 82, 83; Strab. viii. p. 578. A.; Meurs. Misc. Lacc. iv. 13. p. 300; Hemsterh. ad Luc. Contempl. c. 24. t. i. p. 523, 524; Müller's Dorians, vol. i. p. 180.

10) Herod. vi. 76—83. (ἐν τῇ ἐβδόμῃ, conf. Aristot. Polit. v. 2. 8;) According to Herod. vii. 148, the Argives lost six thousand men; according to an account in Plut. de Virt. Mull. t. viii. p. 269. Hutt., 7777; comp. Clinton, l. c. p. 425.

11) Why did not Cleomenes capture Argos? On its defence by Telesilla, see Plut. l. c.; Pausan. ii. 20; Polyæn. viii. 33; Max. Tyr. xxxvii. 5. But see Manso's Sp. i. 2. §. 292—299; Müller, vol. i. p. 197.

12) Herod. vii. 148, 149; conf. Plat. de Legg. iii. p. 692. E.; Thucyd. v. 14. 27. 41; Diodor. Sic. xi. 3; xii. 75.

§. 34. In what the ἡγεμονία of Sparta over the other states of the Peloponnese really consisted is discovered from the fact that she was entitled to the chief command in war, and afforded a common resort for all assemblies of the allies to debate concerning their future projects and interests[1]. Each state furnished fixed contributions of money[2] and contingents of troops; Sparta decided what portion of the contingent should be called into service when occasion required[3], and sent officers, ξεναγοὶ[4], to command it. Of war or peace the decision was left to a general assembly, in which all the states had equal votes[5]. This

relation of the states of the Peloponnesus to Sparta was not, however, inconsistent with their own political independence[6], so that many were, at the same time, themselves at the head of particular confederacies[7], or engaged in petty warfare on each other[8] independently of the rest. These states at the time of the Persian war were Corinth, Sicyon, Megara, Epidaurus, Arcadia, (that is, Tegea, Mantinea, and Orchomenos,) Phlius, Trœzen, Hermione, Elis, with Pisa and Triphylia[9]. The Tegeatæ in all engagements claimed the post of honour on the extreme left[10]; in council, Corinth seems to have been next to Sparta in influence, and to have balanced, in no inconsiderable degree, the influence that state possessed as head of the confederacy[11].

1) Compare Manso über Begriff u. Umfang d. Gr. Hegemonie, (Breslau, 1804;) Sparta, iii. 2. §. 107—122; Drumann's Gesch. d. Verfalls, §. 213, sqq.; Wachsm. Ant. i. 1. §. 127, sqq.; Thucyd. i. 120: *χρὴ γὰρ τοὺς ἡγεμόνας τὰ ἴδια ἐξ ἴσου νέμοντας τὰ κοινὰ προσκοπεῖν, ὥσπερ καὶ ἐν ἄλλοις ἐκ πάντων προτιμῶνται.* See in particular on this point Müller's Dorians, i. p. 204—225; Kortüm's Hellen. Staatsverf. §. 31—46; Poppo, l. c. p. 86; Wachsm. i. 2. §. 113.

2) Thucyd. ii. 7: *ἀργύριον ῥητὸν*, conf. Diodor. xiv. 17: *τὰς δαπάνας τοῦ πολέμου κατὰ τὸ ἐπιβάλλον αὐτοῖς μέρος ἀπῄτουν.* But tribute, properly so called, Thucyd., i. 19, denies that they exacted: *οἱ μὲν Λακεδαιμόνιοι οὐχ ὑποτελεῖς ἔχοντες φόρου τοὺς ξυμμάχους ἡγοῦντο, κατ' ὀλιγαρχίαν δὲ σφίσιν αὐτοῖς μόνον ἐπιτηδείως ὅπως πολιτεύσωσι θεραπεύοντες*; comp. Müller, i. p. 205; but see Plut. Aristid. c. 24, and Strab. viii. p. 545. B.

3) Generally *τὰ δύο μέρη*: comp. Clinton, F. H., ii. p. 418.

4) Thucyd. ii. 75; Xen. Hell. iii. 5. 7; v. 2. 7; Agesil. ii. 10.

5) Thucyd. i. 119. 125. 141; v. 30; Xen. Hell. v. 2. 20. Differing herein from such as afterwards, through compulsion, as Athens (Xen. Hell. ii. 2. 20,) and Olynthus (ibid. v. 3. 26,) promised unconditional military service, leaving the decision of war or peace entirely at the discretion of Sparta; (*τὸν αὐτὸν μὲν ἐχθρὸν καὶ φίλον Λακεδαιμονίοις νομίζειν, ἀκολουθεῖν δὲ ὅποι ἂν ἡγῶνται, καὶ ξύμμαχοι εἶναι.*) Compare, on this point in general, Xen. Hell. vi. 3. 8.

6) Thucyd. v. 79: *ταὶ δὲ ἄλλαι πόλιες ταὶ ἐν Πελοποννάσῳ αὐτόνομοι καὶ αὐτοπόλιες, τὰν αὐτῶν ἔχοντες, καττὰ πάτρια δίκας διδόντες τὰς ἴσας καὶ ὁμοίας.* Conf. Kortüm, §. 28.

7) As, for instance, Elis; Xen. Hell. iii. 1. 23; Diodor. xiv. 17.

8) The Cleitorians and Orchomenians in Arcadia, Xen. Hell. v. 4. 37.

9) Compare Herod. viii. 72; ix. 28; Pausan. v. 23. 1. This catalogue does not comprise such as were beyond the Peloponnesus. The Mycenæans and Tirynthians are omitted agreeably to §. 18. n. 13. Thucyd. ii. 9. does not include Megara in the Peloponnesus.

10) Herod. ix. 26; Plut. Vit. Aristid. 12.

11) Compare, for instance, Herod. v. 91—93; Thucyd. i. 40, 41; v. 27; Plut. Aristid. 20.

§. 35. It was not originally the design of Lacedæmon to extend its ἡγεμονία beyond the limits of the Peloponnesus; at any rate, so late as 519 B. C., Cleomenes directed the Platæans, who had renounced their connection with the Bœotian and sued for admission to the Lacedæmonian confederacy, to apply to Athens[1]; although, even in this transaction, we may perceive the policy which aimed at bringing into collision the only two states which could counterbalance Sparta, and were both, from difference of origin, and from their position, the natural enemies of the Peloponnesians[2]. Cleomenes as little expected that this measure was to form the foundation of the aggrandizement of Athens, as the Lacedæmonians anticipated, when they put an end to the power of the Pisistratidæ, B. C. 510, that the liberty of Athens would soon make them wish for the re-establishment of Hippias[3]. The Persian war, following close on these two transactions, changed the whole posture of affairs. The Athenians encountered the common danger under the banners of the Lacedæmonians[4], from which the liberation of Greece eventually discharged them. The northern nations of Greece, notwithstanding their evident indifference[5] to the Persian yoke, so dreaded by others, were compelled to join the Peloponnesian liberating army when it entered their territories; and, on the victorious termination of the war, Sparta stood at the head of a confederacy, the representatives of which might well call themselves the united senate[6] of the Greek race: comprising, after the battle of Mycale, (B. C.

479,) the colonies of Asia Minor as well as the states of the mother country[7].

1) Herod. vi. 108; conf. Thucyd. iii. 55. 68, and Poppo, l. c. p. 282, sqq.

2) There had been war between Athens and Thebes from B. C. 508; comp. Herod. v. 74, sqq.

3) Herod. v. 63—65; 90, 91.

4) Herod. viii. 3; conf. Thucyd. i. 18: οἱ Λακ. τῶν ξυμπολεμησάντων Ἑλλήνων ἡγήσαντο, δυνάμει προὔχοντες.

5) Herod. vii. 203, sqq. The Thebans in particular, who αἔκοντες ἔμενον καὶ οὐ βουλόμενοι· κατεῖχε γὰρ σφέας Λεωνίδης ἐν ὁμήρων λόγῳ ποιεύμενος, (c. 222); the Locrians (Diodor. xi. 4.) and others. See Plat. de Legg. iii. p. 692. E., F., and more in G. A. Klütz de Fœd. Bœotico, (Berl. 1821,) p. 29—39.

6) Τὸ κοινὸν τῶν Ἑλλήνων συνέδριον. Müller's Prolegg. §. 406, sqq.; comp. above, §. 12. n. 13. At first on the Isthmus, then in Sparta, whither, for instance, Themistocles was summoned, Diodor. xi. 55. Afterwards Sparta continued to consider the council of its confederacy as a supreme court of judicature for all Hellas, as in the case of Philocles, (B. C. 405,) see Plut. Lysand. 13; and in that of Ismenias, (B. C. 382,) see Xen. Hell. v. 2. 35. Hence also their court martial of Ἑλλανοδίκαι, Xen. Rep. Lac. xiii. 11.

7) Herod. ix. 106. Is it to this we must refer the παλαιαὶ Παυσανίου μετὰ τὸν Μῆδον σπονδαὶ (Thucyd. iii. 68)? Comp. Müller's Dorians, i. p. 210. Eleutheria in Platæa; Plut. Aristid. c. 19 and 21; conf. Boeckh ad C. Inscr. i. p. 904.

§. 36. However glorious this state of things might be for Lacedæmon, it was not to be expected that an empire so extensive, and comprising so many heterogeneous elements, could be long swayed in the same simple way as heretofore, or be preserved for any length of time entire. Lacedæmon could the less calculate on this when some attempts to consolidate it met with an unexpected opposition from the Athenians[1], whose political independence and internal strength had not been in the least diminished by their union with others against the common enemy, and whose politics were guided by such men as Aristides and Themistocles with unparalleled sagacity and precaution[2]. Hence, whilst Thebes atoned for its share in the Persian invasion by the loss of its influence as head of the Bœo-

tian confederacy[3], Athens had emerged from the war with increased glory and power. Its navy fully balanced the land force of Lacedæmon, and in the recently liberated colonies in Asia Minor, it had gained allies over whom, in the absence of the Lacedæmonians, it already claimed the command at sea[4]. The Lacedæmonians determined (B. C. 477) to re-assert their authority on that element[5], but the result of the attempt convincing them that foreign expeditions were incompatible with the spirit of their institutions[6], they voluntarily and tacitly resigned to the Athenians[7] what Themistocles had already resolved to win at any cost[8]. Still the defensive alliance between the two states was as yet unimpaired[9], and the fall of Themistocles (B. C. 471) raising Cimon to the head of the Athenian affairs[10], seemed to re-establish the Lacedæmonian influence, for (B. C. 464) we find that a contingent was required of Athens as well as of the other allies of Sparta to act against Ithome[11]. The slight shown to the Athenians at that siege caused the first rupture[12]. They immediately formed an alliance with the Argives who had been regaining strength by long repose and the incorporation of the adjacent petty states[13], and another with the Aleuadæ in Thessaly, whom the Spartans had failed to overthrow, B. C. 470, through the corruption of their king Leotychides[14], and soon attained such power[15] as to be little inferior to Lacedæmon even by land.

1) The settlement, for instance, of the Ionians on the coasts of those states of the mother country which had medized, (Herod. ix. 106; Diodor. xi. 37.) The exclusion of those states from the Amphictyonic council, (Plut. Them. c. 20,) and the occupation of all the strongholds out of the Peloponnesus, (Thucyd. i. 90.)

2) Drumann, Gesch. des Verfalls, §. 226, sqq.; Wachsm. i. 2. §. 52—57. Themistocles' character is drawn, Thucyd. i. 138; Diodor. xi. 59.

3) Diodor. xi. 81; Justin. iii. 6.

4) Immediately after the victory of Mycale; Thucyd. i. 89; Diodor. xi. 37; comp. 41.

5) Thucyd. i. 94, sqq.; Diodor. xi. 44, sqq.

6) Hetoëmaridas; compare Diodor. xi. 50, and Isocr. de Pace, c. 25; Plat. de Legg. iv. pp. 706, 707.

7) Thucyd. i. 95: *ἄλλους οὐκέτι ἐξέπεμψαν, φοβούμενοι μὴ σφίσιν οἱ ἐξιόντες χείρους γίγνοιντο.* Comp. i. 77, and Müller, i. p. 210. On the date see Clinton, F. H. ii. p. 248, sqq., against Dodwell and Corsini, who had placed it B. C. 470.

8) As, for instance, when he planned burning the Peloponnesian fleet; Cic. Offic. iii. 11; Plut. Them. c. 20; Aristid. c. 22.

9) Thucyd. i. 18: *ὁμαιχμία.*

10) Thucyd. i. 135, sqq.; Diodor. xi. 54.

11) Thucyd. i. 102; iii. 54.

12) Diodor. xi. 64; Pausan. i. 29. 7.

13) Pausan. viii. 27. 1: Orneæ, Tiryns, Hysiæ, and others, but particularly Mycenæ, (B. C. 468; comp. Diodor. xi. 65; Strabo, viii. p. 579. B.; Pausan. ii. 16. 4,) which from that time entirely disappears, (Thucyd. i. 10; Strab. viii. p. 571. C.; Luc. Charon. 23;) Orneæ seems not to have been totally destroyed till B. C. 415, (Thucyd. vi. 7). Compare Müller, i. p. 96. 182; Wachsm. i. 2. §. 86.

14) Herod. vi. 72; Pausan. iii. 7, 8; Plutarch, indeed, (de Malign. Herod. c. 21), gives another account.

15) Diodor. xi. 85. (in Ol. 81. 2): *κατὰ τοῦτον τὸν ἐνίαυτον πλείστων πόλεων οἱ Ἀθηναῖοι ἦρξαν.* They were already in possession of Eïon, Scyros, (Thucyd. i. 98; Diodor. xi. 60; Plut. Vit. Thes. 36,) Naxos, and Thasos, B. C. 465—462; (Thucyd. i. 100, 101; Diodor. xi. 70;) they next, B. C. 457, got possession of Megara, with its ports Pegæ and Nisæa, (Thucyd. i. 103;) B. C. 456, they got Ægina (Thucyd. i. 105; comp. Müller's Æginet. 175—180); B. C. 455, Naupactus (Thucyd. i. 103); and finally Achaia (in the Megarid? Poppo, l. c. p. 175; Müller, i. p. 193; Wachsm. i. 2. §. 118;) and Trœzen, (Thucyd. i. 115.) Comp. Clinton, F. H., vol. ii. p. 253, sqq.

§. 37. The inactivity with which the Lacedæmonians at first looked on whilst Athens thus increased in power is to be ascribed partly to their natural precaution[1], partly to wars nearer home, in which they were at this time engaged, as well with their neighbours in the Peloponnesus[2], as their revolted vassals. A dreadful earthquake, B. C. 465, having spread dismay and confusion over Laconia[3], the Messenians had seized that moment for a revolt, and for ten years nearly the whole power of Lacedæmon was engaged on the siege of Ithome[4]. At length, B. C. 457, an opportunity occurred for creating a counterpoise to

the power of Athens by re-establishing the sovereignty of Thebes over the Bœotian states[5]. This plan being favoured by the intrigues of the oligarchical parties in Athens itself[6], as well as in the Bœotian states, a considerable force was sent into central Greece under pretext of reinforcing the parent state of Doris; all the advantages however which the enemies of Athens imagined they had gained by their victory at Tanagra, were reft from them sixty-two days afterwards by Myronidas at the battle of Œnophytœ; an engagement which made the Athenians masters of Phocis, Locris, and Bœotia[7]. After an interval of ten years, the overthrow which they, in turn, experienced at Coronea, B. C. 447, from the forces of banished Bœotian oligarchs[8], not only deprived them of the fruits of this battle, but occasioned the defection of Megara and Eubœa[9], laid Attica open to the incursions of the Peloponnesians, and brought about the thirty years' truce of 445 B. C.[10], when Pericles, for the sake of, at all events, preserving Eubœa, relinquished the establishments which Athens had hitherto possessed on the Peloponnesian coasts. On these terms Lacedæmon and Athens guaranteed each other their respective ἡγεμονίαι, thereby making this factitious condition of Greece the basis of their political connection[11], though the proviso that neutral states might join either party[12], laid the sure foundation for new dissensions. Notwithstanding the exhausted condition of the Peloponnesus, such soon broke out; the high pretensions, restlessness, and grasping spirit of Athens[13] exciting the mistrust and hatred no less of its own allies than of Sparta.

1) Thucyd. i. 118: ὄντες μὲν καὶ προτοῦ μὴ ταχεῖς ἴέναι εἰς τοὺς πολέμους, εἰ μὴ ἀναγκάζοιντο, τὸ δέ τι καὶ πολέμοις οἰκείοις ἐξειργόμενοι. On the tardiness of their measures, see also viii. 96, and Isocr. de Pace, c. 25.

2) Argives and Arcadians; according to Herod. ix. 35; Pausan. iii. 11. 6. Conf. Müller, i. p. 188; Wachsmuth, i. 2. §. 111.

3) See Diodor. xi. 63; Plut. Vit. Cimon. c. 16; Pausan. iv. 24. 2; Ælian. Var. Hist. vi. 7, and more in Meier de bonis damn. p. 199.

4) Thucyd. i. 101, sqq.; Müller, i. 139.

5) Diodor. xi. 81, sqq.; Justin. iii. 6.

6) Thucyd. i. 107; conf. Meier, l. c. p. 4.

7) Thucyd. i. 108. Diodorus abounds with inaccuracies; conf. Mitford, ii. p. 493 of Eichstädt's translation.

8) Thucyd. i. 113: *τοὺς μὲν ἐκράτησαν τῶν Ἀθηναίων, τοὺς δὲ ζῶντας ἔλαβον. Καὶ τὴν Βοιωτίαν ἐξέλιπον Ἀθηναῖοι πᾶσαν — — καὶ αὐτόνομοι πάλιν ἐγένοντο.* Conf. iii. 62; Plat. Alc. i. p. 112. B.; Plut. Vit. Ages. c. 19.

9) Thucyd. i. 114.

10) *Αἱ τριακοντούτεις μετὰ Εὐβοίας ἄλωσιν σπονδαί*, Thucyd. i. 115; conf. i. 23. 81; iv. 21; the confounding (Andocid. de pace, cc. 3. 6, and still more Æschin. de F. L. c. 50) this peace with the fifty years truce concluded by Cimon, (B. C. 451—446,) see Thucyd. i. 112; Plut. Cimon. c. 18,) has occasioned great perplexity. See Clinton, F. H. vol. ii. p. 257.

11) Thucyd. i. 140: *εἰρημένον γὰρ δίκας μὲν τῶν διαφόρων ἀλλήλοις διδόναι καὶ δέχεσθαι, ἔχειν δὲ ἑκατέρους ἃ ἔχομεν.*

12) Thucyd. i. 35.

13) Colonies at Thurium (B. C. 444; see Diodor. xii. 10,) and Amphipolis (437; see Thuc. iv. 102; Diod. xii. 32); proceedings against Samos (441; see Thucyd. i. 115—117,) and Potidæa (432; Thucyd. i. 56, sqq.); treaty with Corcyra (433; Thucyd. i. 24, sqq.); decree against Megara (Thucyd. i. 67. 139; Aristoph. Acharn. 520; Diodor. xii. 39; Gell. Noct. Att. vi. 10; Plutarch. Vit. Pericl. c. 30); Views on Italy and Sicily (Thucyd. l. 44.)

§. 38. Under these circumstances the Peloponnesian war, B. C. 431, united under the banners of Lacedæmon all its old allies[1], with better will than they had ever before displayed, and opened the prospect of acquiring others, inasmuch as the war was proclaimed to be in behalf of the liberties of Greece[2]; when however the expected results failed[3], and Lacedæmon, weakened by various reverses[4], concluded (B. C. 421) a peace with Athens regardless of the remonstrances made by the Corinthians, Bœotians, Megarians, and Eleans, it had well nigh lost all its influence[5]. The Bœotians, after the victories of Coronea and Delium[6], thought themselves a match for Athens[7]. The Peloponnesian states suspected the designs of their head, which had reserved to itself in one clause of the treaty

the exclusive power of modifying its terms[8]. When then Lacedæmon proceeded to consult its own security by a formal treaty with Athens[9], Corinth called upon the Argives to reassert their claim to the ἡγεμονία they once possessed, and to afford the states that might wish to shake off the yoke of Spartan tyranny, the shelter of a new alliance[10]. Mantinea, Elis, and even the Chalcidian states in Thrace, immediately joined this new confederacy[11]. Tegea, however, remained in its allegiance; and Megara and Bœotia, being deterred by the influence of their oligarchies from siding with the democratical Argos, Lacedæmon seized this opportunity to renew its alliance with them at the commencement of the next year, B. C. 420, on terms by which the Bœotians were declared not subject, but independent allies; such in fact as Athens was at that moment[12]. The revival of a good understanding between Sparta and Thebes naturally destroyed the amity between the former and Athens; and whilst the latter again coalesced with Argos, Corinth withdrew from its alliance with that state[13]; two years afterwards their defeat at Mantinea compelled even the Argives to make peace with Sparta[14].

1) They are enumerated by Thucyd. ii. 9. Conf. Poppo, l. c. p. 89, sqq.; Wachsm. i. 2. 129—133. According to Thucyd. v. 31, it would seem a special treaty was formed, *ἐν ᾗ εἴρητο, ἃ ἔχοντες εἰς τὸν Ἀττικὸν πόλεμον καθίσταντό τινες, ταῦτα ἔχοντας καὶ ἐξελθεῖν.*

2) Thucyd. ii. 8: *ἡ δὲ εὔνοια παραπολὺ ἐπῄει τῶν ἀνθρώπων μᾶλλον ἐς τοὺς Λακεδαιμονίους, ἄλλως τε καὶ προειπόντων, ὅτι τὴν Ἑλλάδα ἐλευθεροῦσιν — — οὕτως ὀργῇ εἶχον οἱ πλέους τοὺς Ἀθηναίους, οἱ μὲν τῆς ἀρχῆς ἀπολυθῆναι βουλόμενοι, οἱ δὲ μὴ ἀρχθῶσι φοβούμενοι.* Conf. iv. 85 and 108.

3) Pylos and Sphacteria, B. C. 425 (Thucyd. iv. 4—38), Cythera, B. C. 424 (Thucyd. iv. 53).

4) Thucyd. v. 17, sqq.

5) Thucyd. v. 28: *κατὰ γὰρ τὸν χρόνον τοῦτον ἡ Λακεδαίμων μάλιστα δὴ κακῶς ἦκουε διὰ τὰς συμφοράς.*

6) B.C. 424; see Thucyd. iv. 89, sqq.; Plat. Lach. p. 181. B.; Plut. Daem. Socr. c. 11.

7) Conf. Xenoph. Mem. Socr. iii. 5. 4, and Klütz de foed. Bœot. p. 54.

8) Thucyd. v. 29.

9) Thucyd. v. 22, sqq.

10) Thucyd. v. 27, sqq. Conf. Poppo, l. c. p. 209, sqq.; Wachsmuth, i. 2. §. 134, sqq.

11) Thucyd. v. 31.

12) Thucyd. v. 39: *οἱ δὲ Βοιωτοὶ οὐκ ἔφασαν, ἢν μὴ σφίσι συμμαχίαν ἰδίαν ποιήσονται, ὥσπερ Ἀθηναίοις.*

13) Thucyd. v. 47, 48.

14) Thucyd. v. 65—80.

§. 39. As this battle moreover revived the military renown of Sparta[1], so the subsequent losses of the Athenians in Sicily afforded an opportunity of giving a new impulse to its confederacy, by reasserting its sovereignty by sea[2]. The allies of Athens, torn by factions[3], seduced by the promises of the Lacedæmonian commanders, and encouraged by the examples of the colonies in Thrace[4], nearly all threw themselves into the arms of Sparta[5]; and when at last its formidable rival fell, after a heroic resistance, that state could with reason glory in the protectorate of all Hellas[6]. This protectorate, however, in consequence partly of the direct encouragement afforded to the hateful oligarchies[7], partly of the establishment of garrisons and harmosts[8] in all the states which had lately been dependent on Athens, soon became as arrogant and oppressive as had been the rule of Athens itself[9]. As early as B. C. 410, Lacedæmon, in return for certain subsidies[10], had ceded to the great king the states on the coasts of Asia Minor, which, whatever opinion be formed of the so called peace of Cimon[11], had continued free from the Persian yoke whilst under the protection of Athens[12]. When, however, the ill success of Cyrus the Younger, B. C. 400, had altered the Lacedæmonian policy in that quarter[13], Sparta attempted to bring them also under its protectorate, and several successful campaigns seemed to have en-

sured this object[14] when Agesilaus was stopped in his victorious career, by the growing jealousy of Corinth and Thebes, which was ably fostered by Persia.

1) Thucyd. v. 75.

2) Thucyd. viii. 2, sqq. Comp. Poppo, l. c. p. 99, sqq.; C. G. Krüger, Comment. de Classe Peloponnesiorum, appended to Dionysii Hal. Historiographica (Berl. 1823), pp. 286. 308. A similar attempt had been already made, B. C. 427; see Thucyd. iii. 32.

3) The aristocratical party everywhere declaring for Lacedæmon, the democratical for Athens; see Thucyd. iii. 82; Xenoph. Hell. vi. 3. 14; Isocr. Paneg. c. 2. p. 16. ed. Spohn; Diodor. xiii. 48; Aristot. Polit. iv. 9. 11; v. 6. 9: *οἱ μὲν γὰρ Ἀθηναῖοι παντα χοῦ τὰς ὀλιγαρχίας, οἱ δὲ Λακεδαιμόνιοι τοὺς δήμους κατέλυον.* Comp. Poppo, l. c. p. 29, sqq.; Wachsmuth, i. 2. §. 124, sqq.

4) Which had gone over to Brasidas as early as B. C. 424, *πιστώσαντες αὐτὸν τοῖς ὅρκοις, οὓς τὰ τέλη τῶν Λακεδαιμονίων ὀμόσαντα αὐτὸν ἐξέπεμψαν, ἢ μὴν ἕσεσθαι ξυμμάχους αὐτονόμους, οὓς ἂν προσαγάγηται,* Thucyd. iv. 88, sqq. Comp. Thucydides' opinion of this Spartan Aristides, iv. 81.

5) Comp. Krüger, l. c. pp. 326—349; Poppo, p. 119.

6) *Πάσης τῆς Ἑλλάδος προστάται,* Xenoph. Hellen. iii. 1. 3; comp. ibid. §. 5: *πᾶσαι γὰρ τότε αἱ πόλεις ἐπείθοντο, ὅ τι Λακ. ἀνὴρ ἐπιτάττοι*: and Anabas. vi. 4. 9, and 13; for a fuller account, see Clinton, F. H. vol. ii. p. 252; Drumann. §. 405, sqq.; Wachsmuth, i. 2. §. 227, sqq.

7) *Δεκαρχίαι* (*δεκαδαρχίαι*? Schneid. ad Aristot. Polit. p. 147; Voemel's Osterprogr. (Frankf. a. M. 1830,) p. 7, sqq.; see Plut. Lysand. c. 5; et plur. ap. Wachsmuth, i. 2. §. 245.

8) Morus ad Isocr. Paneg. p. 92; Kortüm, Hellen. Statatsv. §. 69. We meet as early as 424 B. C. with *ἄρχοντες* Thucyd. iv. 132; compare viii. 5.

9) See Diodor. xiv. 10, compared with the speech of Brasidas, in Thucyd. iv. 85, 86.

10) See the three treaties in Thucyd. viii. 18. 37. 58: *χώραν τὴν βασιλέως, ὅση τῆς Ἀσίας ἐστὶ, βασιλέως εἶναι.* Comp. Isocr. Panath. p. 602, and Krüger de Persarum cum Græcis rationibus, (ut sup. p. 350—361); also Manso's Sp. ii. §. 470, sqq.

11) On these compare Diodor. xii. 4 (B. C. 450); Plut. Cimon. c. 13 (B. C. 469); et plur. ap. Morum ad Isocr. Paneg. c. 33. p. 93; Wachsm. i. 1. 51. See the criticism on Mitford, in Eichstädt's translation, ii. pp. 431, 432; Manso, ii. §. 469; C. J. G. Mosche, Diss. de eo, quod in Corn. Nepote faciendum restat, in Seebode and Friedemann's Misc. crit. t. i. p. 205—218; F. C. Dahlmann's Forschungen auf. d. Gebiete d. Geschichte (Altona, 1822), i. §. 1—148; Meier de bonis damn. p. 117—121; Müller's Dorians, i. p. 211—213; Krüger, in Seebode's Archiv, i. 2. 22; Wachsmuth, i. 2. §. 116.

12) Thucyd. viii. 5: *ὑπὸ βασιλέως γὰρ ἐτύγχανε πεπραγμένος* (ὁ Τισσαφέρνης) *τοὺς ἐκ τῆς ἑαυτοῦ ἀρχῆς φόρους, οὓς ἐπ' Ἀθηναίους ἀπὸ τῶν Ἑλληνίδων πόλεων οὐ ἐυνάμενος πρᾶσσεσθαι προσωφείλησε.* Comp. viii. 56.

13) Diodor. xiv. 21, shows that Sparta supported him for political reasons.

14) Thimbron, B. C. 399; Dercyllidas, 398; Agesilaus, 396—394. Xenoph. (Hell. iii. 2. 19), shows that Sparta aimed not at establishing the freedom, but at obtaining the supremacy over these colonies.

§. 40. The eagerness of both those states for the total destruction of Athens [1], was probably not so much an explosion of old hatred for a rival, as the result of an apprehension lest Lacedæmon should be permanently established in so important a position, which actually seemed the case during the government of the Thirty. We, at all events, soon see them both disregard the orders of Lacedæmon by supporting Athenian refugees, and withdraw from the expedition against Elis, B. C. 401 [4]; to which, and to that subsequently sent into Asia against Tissaphernes [5], even Athens, though recently liberated, furnished a contingent. The fate of Elis [6] moreover must have warned those states, and Thebes in particular, on account of its supremacy in Bœotia, of what was to be expected from the ambition of Lacedæmon; so that after their estrangement from that state had been displayed on several occasions [7], Persian gold easily effected the league between Corinth, Bœotia, Argos, and Athens [8], which had been attempted in vain B. C. 421. This confederacy occasioned the Corinthian war; in the course of this Agesilaus maintained an equal contest by land, but the loss of their fleet off Cnidus deprived the Spartans of the fruits of their past efforts [9]. The Athenian arms appeared again victorious in Thrace and on the Hellespont, and Sparta, in order to humble its antagonists and deprive them of the fruits of this war, was compelled to purchase peace of the Persian monarch by resigning Asia Minor, B. C. 387 [10], and recognising him as arbitrator in the internal affairs of Greece [11].

1) Xenoph. Hellen. ii. 2. 19.

2) Which was also their reason for refusing to join Pausanias in his expedition against Athens; *ὅτι ἐγίγνωσκον Λακεδαιμονίους βουλομένους τὴν τῶν Ἀθηναίων χώραν οἰκείαν καὶ πιστὴν ποιήσασθαι*, Xenoph. ii. 4. 30.

3) The Corinthians, according to Æschin. de F. Leg. c. 42; on Thebes, see Diodor. xiv. 6; Dinarch. adv. Demosth. c. 25; Plut. Lysand. c. 27. Comp. Wachsmuth, i. 2. §. 230, sqq.

4) Xenoph. Hellen. iii. 2. 25; Diodor. xiv. 17.

5) Xen. iii. 1. 4. The dependent condition of Athens at that time is also apparent from Lysias in Nicom. c. 22. p. 860; and Dionys. Hal. t. v. p. 531. 2. Rsk.

6) Xen. iii. 2. 30.

7) As, in particular, at the sacrifice Agesilaus offered in Aulis, Xenoph. iii. 4. 4.

8) Xenoph. iii. 5. 1; Plut. Vit. Ages. 15. For the other allies, see Diodor. xiv. 82.

9) Diodor. xiv. 79. 84.

10) Thus also Clinton, F. H. ii. p. 276, contrary to Dodwell.

11) Which character Artaxerxes continued to maintain till his death (B. C. 365); it was particularly seen in the years B. C. 374, 372, 367, 366; comp. Polyb. ix. 34. 3; Xenoph. Hellen. vii. 1. 27. 33. 39; Diodor. xv. 38. 50. 70. 76; and Isocr. Paneg. cc. 34. 47. 48; Panath. p. 632: *χωρὶς δ' ἑκάτεροι πρέσβεις πέμπομεν ὡς ἐκεῖνοι, ἐλπίζοντες, ὁποτέροις ἂν οἰκειότερον διατεθείη, κυρίους τούτους γενήσεσθαι τῆς ἐν Ἕλλησι πλεονεξίας, κ. τ. λ.*

§. 41. In return for these concessions Lacedæmon obtained, by the Persian monarch's sentence of arbitration, usually called the peace of Antalcidas[1], the independence[2] of all the cities of European Greece, and also of the islands, except that Cyprus and Clazomenæ were ceded to the monarch, Lemnos, Imbros, and Scyros to their old masters the Athenians[3]. The Thebans, on their part, were compelled to release the confederate Bœotian cities from their allegiance[4], and the Argives to withdraw the garrison by which they had thought to secure the possession of Corinth[5]; whilst the position of Lacedæmon, especially in the Peloponnesus, continued in fact the same as before, the several states being allowed indeed an apparent independence, but only so long as oligarchies at the beck of Sparta were at their helm, just as of old. But whenever democracy obtained the upper hand in

the convulsions which followed close[6] on this pretended emancipation, not even this show of freedom was left them. Mantinea[8], B. C. 386, and Phlius[9], gave proof of this. The expedition against Olynthus[10], B. C. 382, and still more the illegal occupation of the citadel of Thebes[11], soon fully disclosed the schemes of Sparta's reckless ambition[12]. But its reviving power soon reached its zenith[13]. Thebes regained its independence as early as B. C. 379[14], and in a short time resumed the sovereignty of Bœotia. In B. C. 376 the Athenians formed a new confederacy, and once more defeated the Lacedæmonians at sea, so that, in the congress held at Sparta[16] B. C. 327, the latter state not only resigned all its conquests[17], but for the first time formally acknowledged Athens to possess the naval *ἡγεμονία* of Greece[18].

1) Compare the statements in Xenoph. Hellen. v. 1. 31; also Diodor. xiv. 110, and Wachsm. i. 2. §. 236, sqq.

2) *Αὐτονόμους*: see Guasco sopra l'autonomia de' popoli e delle città Greche e Latine, in Diss. dell' Acad. di Cort. t. v. p. 113, sqq.; Wachsm. i. 1. §. 132—134; 2. §. 447, sqq.

3) Compare also Andoc de Pace, c. 12; Æschin. de F. L. c. 21; on the relations that previously subsisted between Athens and those islands, see Raoul-Rochette, iii. p. 435; (Herod. vi. 140), and iv. p. 14 (Plut. Vit. Cimon. c. 8); also Thucyd. iii. 5; iv. 28; vii. 57.

4) Xenoph. Hellen. v. 1. 33; Plut. Ages. c. 23.

5) Diodor. xiv. 86 and 92.

6) Diodor. xv. 40 and 45.

7) Diodor. xv. 5: *Λακεδαιμόνιοι φύσει φιλαρχοῦντες καὶ πολεμικοὶ ταῖς αἱρέσεσιν ὄντες, τὴν εἰρήνην ὥσπερ βαρὺ φορτίον οὐχ ὑπέμενον, τὴν δὲ προγεγενημένην τῆς Ἑλλάδος δυναστείαν ἐπιποθοῦντες, μετέωροι ταῖς ὁρμαῖς ὑπῆρχον πρὸς καινοτομίαν — κατεδουλοῦντο τὸ μὲν πρῶτον τὰς ἀσθενεστέρας πόλεις, μετὰ δὲ ταῦτα καὶ τὰς ἀξιολογωτέρας καταπολεμοῦντες ὑπηκόους ἐποιοῦν, οὐδὲ ἕνα φυλάξαντες τὰς κοινὰς σπονδάς.* Conf. Xenoph. Hellen. vi. 3. 7—9; Isocr. Paneg. c. 32—35; also Dem. adv. Leptin. c. 42.

8) Vid. Xenoph. Hellen. v. 2. 7; and, on the dismemberment (*διοικισμὸς*) of this city, see in particular the commentators on Plato's Sympos. p. 193. A.

9) Xenoph. l. c. v. 3. 15; Diodor. xv. 19.

10) Xenoph. v. 2. 11, sqq.; Diodor. xv. 19—23.

11) Xenoph. v. 2. 25—36; Diodor. xv. 20. Xenophon himself descants on the gross injustice of the proceeding (v. 4. 1).

12) Agesilaus ap. Xenoph. v. 2. 32 : *εἰ μὲν βλαβερὰ τῇ Λακεδαίμονι πεπραχὼς εἴη* (Phœbidas) *δίκαιον εἶναι ζημιοῦσθαι· εἰ δ' ἀγαθὰ, ἀρχαῖον εἶναι νόμιμον, ἐξεῖναι τὰ τοιαῦτα αὐτοσχεδιάζειν.* Conf. Plut. Vit. Ages. c. 23, et Lysand. c. 7. Demosth. Lept. c. 17 : *ἃ τῇ παρ' ἐκείνοις πολιτείᾳ ξυμφέρει, ταῦτ' ἐπαινεῖν ἀνάγκη καὶ ποιεῖν* : that is to say, *τὸ τοῦ κρείττονος ξυμφέρον δίκαιον*, Plat. de Legg. iv. p. 714. C. They had already been characterised as *ἄλλα φρονέοντες καὶ ἄλλα λέγοντες* ; see Herod. ix. 54 ; Thucyd. v. 105 ; Eurip. Suppl. 191, and Androm. 445, sqq., plur. ap. Meurs. Misc. Lace. iii. 2. p. 199, sqq. ; Kortüm, §. 69. 75. 211 ; Wachsmuth, i. 2. §. 243.

13) Demosth. de Falsa Legat. p. 425. 21 : *ἴστε γὰρ δήπου, ὅτι γῆς καὶ θαλάττης ἦρχον οἱ Λακεδαιμόνιοι κατ' ἐκεῖνον τὸν χρόνον.* Conf. Xenoph. Hellen. v. 3. 27 ; Diodor. xv. 23.

14) Xenoph. v. 4. 2, sqq. ; Plut. Vit. Pelop. c. 6—12 ; and de Daem. Socr. cc. 25—33. Was it by the aid of Athens ? Dinarch. adv. Demosth. c. 39.

15) See Diodor. xv. 28—30, and below, c. vii. An important authority respecting the allies of Lacedæmon at this time, is Diodor. xv. 31 ; and on their naval power in particular, Xen. Hell. vi. 2. 3. Compare Wachsm. i. 2. §. 287, sqq.

16) Xenoph. vi. 3. 2, sqq. ; Diodor. xv. 50 ; there had already been a brief interval of peace, B. C. 374 ; ibid. c. 38.

17) Xenoph. l. c. §. 18 : *ἐξαγωγεῖς* were charged with the fulfilment of the articles of peace, Diodor. xv. 38 ; for the reason of their appointment, see Polyb. iv. 27. 5.

18) At least according to Diodorus : *Λακεδαιμόνιοι γὰρ καὶ Ἀθηναῖοι διὰ παντὸς περὶ ἡγεμονίας διαφιλοτιμούμενοι, παρεχώρουν ἀλλήλοις οἱ μὲν κατὰ γῆν, οἱ δὲ τῆς κατὰ θάλατταν ἀρχῆς ἄξιοι κρινόμενοι* ; but see Manso, iii. 2. §. 54.

§. 42. Still Sparta was once more recognised as the head of the land forces of Greece, and seemed in consequence likely to succeed in depriving the Bœotian cities of their freedom[1], notwithstanding the reiterated protestations of Thebes. This event was however frustrated by the victory won by Epaminondas at Leuctra, twenty days after the congress on the subject[2] held at Sparta; the whole of central Greece having immediately joined the victorious Thebans[3]. Athens itself, on its own responsibility, called on the Peloponnesian states to assert their independence[4]; and although some persisted in supporting Lacedæmon[5], the Arcadians, whose petty clans, in imitation of Mantinea[6], coalesced at this juncture into one com-

monwealth[7], joined the Bœotians with the Eleans and Argives[8] in an incursion, in which a deadly blow was inflicted on the power of Lacedæmon by the restoration of the Messenians[9], B. C. 369. Athens was further successful in obtaining an actual share in the *ἡγεμονία*[10]; and the firmness of the Peloponnesians[11] foiled the attempts which the Thebans, relying on the influence of the Persian monarch, made to obtain a formal recognition of themselves as successors of Sparta in the politics of Greece[12]; Theban harmosts were however actually sent into Achaia[13]. The number of the allies of Sparta progressively diminished[14], and at last that state, by allowing them to form independent treaties of peace with Thebes[15], annihilated its own *ἡγεμονία* for ever[16]. The independence of Messenia alone it perseveringly refused to acknowledge, although now no longer supported even by Persia in its pretensions to that territory[17], and on this account it stood aloof from the general peace[18] concluded between the other states at a moment when the issue of the battle of Mantinea left the question of the supremacy of Greece more undecided than ever, B. C. 362[19].

1) Xen. Hell. vi. 3. 20: *οὕτω δὲ εἰρήνην τῶν ἄλλων πεποιημένων, πρὸς δὲ Θηβαίους μόνους ἀντιλογίας οὔσης, οἱ μὲν Ἀθηναῖοι οὕτως εἶχον τῆς γνώμης, ὡς νῦν Θηβαίους, τὸ λεγόμενον, δεκατευθῆναι ἐλπὶς εἴη, αὐτοὶ δὲ οἱ Θηβαῖοι παντελῶς ἀθύμως ἔχοντες ἀπῆλθον.* Comp. Diodor. xv. 51.

2) Plut. Vit. Ages. c. 28.

3) Xenoph. vi. 5. 23; Diodor. xv. 57.

4) Xenoph. vi. 5. 1: *ἐνθυμηθέντες οἱ Ἀθηναῖοι, ὅτι οἱ Πελοποννήσιοι ἔτι οἴονται χρῆναι ἀκολουθεῖν, καὶ οὔπω διακέοιντο οἱ Λακεδαιμόνιοι, ὥσπερ τοὺς Ἀθηναίους διέθεσαν, μεταπέμπονται τὰς πόλεις, ὅσαι βούλοιντο τῆς εἰρήνης μετέχειν, ἣν ὁ βασιλεὺς κατέπεμψεν. Ἐπεὶ δὲ συνῆλθον, δόγμα ἐποιήσαντο μετὰ τῶν κοινωνεῖν βουλομένων ὁμόσαι τόνδε τὸν ὅρκον· ἐμμενῶ ταῖς σπονδαῖς—καὶ τοῖς ψηφίσμασι τῶν Ἀθηναίων καὶ τῶν συμμάχων· ἐὰν δέ τις στρατεύηται ἐπί τινα πόλιν τῶν ὁμοσασῶν τοῦτον τὸν ὅρκον, βοηθήσω παντὶ σθένει.* Ibid. §. 3. *ὁρκωταί.*

5) Xenoph. vi. 4. 18; 5. 29; vii. 2. 2; Cic. (Offic. ii. 7.) is inaccurate.

6) Xenoph. vi. 5. 4: *ὡς ἤδη αὐτόνομοι παντάπασι ὄντες, κ. τ. λ.*

7) Diodor. xv. 59, sqq.—Οἱ *μύριοι*: conf. Neumann ad Aristot. Frag. p. 106; Clinton, F. H., vol. ii. p. 419; they made Megalopolis their capital, Strab. viii. 595. A.; Polyb. ix. 21; Pausan. viii. 27. 6: on the date of its foundation, see Manso's Sparta, iii. 2. §. 82.—On the Ἐπάριτοι[c], see Bejot in Mém. de l'Acad. des Inscr. xxxii. p. 234, sqq.; Sturz. Lex. Xen. t. ii. p. 242; and on the subject in general, Wachsm. i. 2. §. 291—295.

8) Xenoph. vii. 1. 18; Diodor. xv. 62.

9) Diodor. xv. 66; Pausan. iv. 27. 5.

10) Xenoph. vii. 1. 14: *ἐν μέρει μὲν ἑκατέρους ἡγεῖσθαι τοῦ ναυτικοῦ, ἐν μέρει δὲ τοῦ πεζοῦ——κατὰ πενθήμερον ἑκατέρους*: conf. Diodor. xv. 67.

11) Xenoph. l. c. §. 33: *ξυνεχῶς δὲ βουλευόμενοι οἱ Θηβαῖοι, ὅπως ἂν τὴν ἡγεμονίαν λάβοιεν τῆς Ἑλλάδος, ἐνόμισαν, εἰ πέμψειαν πρὸς τὸν Περσῶν βασιλέα, πλεονεκτήσειν ἄν τι, κ. τ. λ.*

12) Ibid. §. 39.

13) Ibid. §. 43, and also to Sicyon, vii. 3, 4.

14) Ibid. vii. 2. 11.

15) Ibid. vii. 4. 9: *τοῖς τε Κορινθίοις συνεβούλευον τὴν εἰρήνην ποιήσασθαι, καὶ τῶν ἄλλων συμμάχων ἐπέτρεψαν τοῖς μὴ βουλομένοις σὺν ἑαυτοῖς πολεμεῖν ἀναπαύσασθαι, αὐτοὶ δ' ἔφασαν πολεμοῦντες πράξειν, ὅ τι ἂν τῷ θεῷ φίλον ᾖ· ὑφήσεσθαι δὲ οὐδέποτε, ἣν παρὰ τῶν πατέρων παρέλαβον Μεσσήνην, ταύτης στερηθῆναι.* Diodorus, (xv. 76,) speaks of a general peace at that time, to which Sparta alone refused to accede; comp. Plut. Ages. c. 34.

16) Afterwards *ἐν τῇ ἑαυτῶν ἕκαστοι*, Xenoph. vii. 5. 3, as Thucyd. v. 47.

17) From B. C. 366; comp. Xenoph. vii. 1. 36; Diodor. xv. 90; although the contrary was the case, as late as B. C. 367, in the congress at Delphi, Xenoph. §. 27.

18) Diodor. xv. 89; Plut. Ages. c. 35; comp. Polyb. iv. 33. 9.

19) Xenoph. vii. 5. 26; comp. also Strab. ix. p. 634. C. D. For the last attempt Sparta made, B. C. 352, see Pausan. iv. 28. 1; Diodor. xvi. 34. 39; comp. Voemel. ad Demosth. de Pace, p. 245, 246.

PART IV.

On the internal Decay, and Fall of Sparta.

§. 43. The scattered information we still possess is sufficient to show that, notwithstanding an adherence to outward general forms, the internal condition of Sparta never corresponded, after the loss of her political pre-eminence, to the design of her great legis-

[c] A select corps of Arcadian troops; see Clinton, l. c. note m. TRANS.

lator. Still it is so far from being true that her internal decay was, as Aristotle and others have stated[1], a direct consequence of that loss of influence, that it was rather at once the secret attendant on the growth of her greatness, and the prime cause of its decline. The very institutions of Lycurgus which were the source of that greatness, could not but soon suffer from the constantly increasing disproportion between the foreign relations of the state and the narrow character of its domestic institutions. The decline of her foreign influence followed close on the destructive effects produced by this state of things within. Still the constitution might have defied destruction for a longer period had there not existed internal defects which had baffled the skill of Lycurgus. The jealousy, for instance, with which the people viewed the power of the kings was so far from being effectually curbed, that, one hundred and thirty years after his legislation[2], the popular party wrung from Theopompus, though not, it would seem, without resistance[3], a legal organ in the ephoralty. At any rate, that institution, which, from its very nature, cannot have originated with Lycurgus[4], (for its consequences shattered to its foundation the structure he had raised[5],) is ascribed by most accounts to that monarch[6].

1) Aristot. Polit. ii. 6; conf. Xen. Rep. Lac. c. 14; Polyb. vi. 49, 50; Plut. Agis, c. 3—5; and, in addition to the works of Levesque and Bitaubé, in the Mém. de l'Institut, iii. p. 310, sqq., 347, sqq., Manso's Sparta, ii. §. 365—388; iii. §. 214—230; Wachsm. i. 2. §. 208—215; 257—264.

2) Plut. Lycurg. c. 7.

3) See above, §. 24. n. 4. From the rhetra there quoted, Müller, Dorians, vol. ii. p. 118, infers that the power of the ephors cannot be traced back as far as Theopompus; Platner, in the Tuebn. Zeitsch. (v. 1. §. 23,) solves the difficulty much better by supposing that the people then obtained the institution of ephors by way of compensation for that rhetra.

4) Comp. Aristot. Polit. v. 9. 1; Cic. Rep. ii. 3; Dio Chrysost. lvi. p. 565; et plur. ap. Goerenz. ad Cic. de Legg. iii. 7. p. 235; Ast, ad Plat. de Legg. p. 174; Groen van Prinsterer Platon. Prosopogr. p. 22; Clavier, Hist. d. pr. t. ii. p. 160, 161; Tittmann, §. 104. Plutarch is unfaithful in his account, Vit. Cleom. c. 10.

5) Although Herodotus has ascribed them to him (i. 65.) Comp. also Plat. Epist. viii. p. 354. B.; Stob. Serm. p. 288. ed. Gesn. (from Xen. Rep. Lac. viii. 3,) and Satyrus, ap. Diogen. lib. i. 68, with whom others refer their institution to the philosopher Chilon. See Perizon. ad Ælian. Var. Hist. iii. 17. Aristotle leaves the question undecided, Polit. ii. 6. 15; *συνέχει μὲν οὖν τὴν πολιτείαν τὸ ἀρχεῖον τοῦτο· ἡσυχάζει γὰρ ὁ δῆμος διὰ τὸ μετέχειν τῆς μεγίστης ἀρχῆς· ὥστε, εἴτε διὰ τὸν νομοθέτην, εἴτε διὰ τύχην τοῦτο συμπέπτωκε, συμφερόντως ἔχει τοῖς πράγμασι.* Hüllmann, Staatsr. §. 152, considers the gerusia to have been more ancient than the time of Lycurgus, who, he supposes, by the institution of ephors, associated with it an annual elective council, like that which Solon united with the Areopagus; Göttling also (in the Hermes, xxii. §. 97.) calls the ephors a kind of lower house.

6) Comp. Feodor Eggo's Untergang der Naturstaaten, §. 122, sqq. On the ephoralty in general see Tittm. §. 104—117; Müller, ii. p. 115—131; Hüllmann, Staatsr. §. 197—200.

§. 44. That the ephors were five in number[1], that they were elected annually, and entered on their office at the autumnal equinox, (the commencement of the Lacedæmonian year[2], which was named after the first of them[3],) that in their election regard was not always had to the most efficient filling of their office[4], is all that we know respecting the organisation of this court. As to their authority, their judicial power has been already noticed, (§. 25;) the political influence which they attained at the period of which we are speaking was founded probably on that extension of their authority over all other magistrates, and particularly over the kings, who even became responsible to them[5], and, in fact, seeing the ephors were subject to no legal control[6], wholly dependent on their pleasure. They had, says Xenophon[7], the right to fine whom they pleased without trial, and to exact immediate payment of the penalty. They might instantly suspend, accuse, and imprison any public officer; the kings rose in honour to them, and appeared before them, if summoned[8]. As the surveillance exercised by these magistrates extended even to the domestic concerns of royalty[9], they were never at a loss for means of annoying the kings[10]. It was only in cases of high treason, that recourse was had to a court of justice

composed of the various authorities of the state, in which, however, they also had of course both seats and a voice[11].

1) See some few different accounts adduced by Ruhnk. ad Tim. Lex. p. 128: *ἔφοροι πέντε μείζους καὶ πέντε ἐλάττους.* Göttling's assertion that they were ten in number, ad Arist. Polit. p. 466, falls to the ground with his hypothesis of ten Phylæ, (see above, §. 24. n. 9.)

2) Thucyd. v. 36; comp. Dodwell, de Cyclis, viii. c. 5; and on the Lacedæmonian year in general see Corsini, Fasti Attici, Diss. 14; t. ii. p. 450—457.

3) Pausan. iii. 11. 2: *παρέχονται τὸν ἐπώνυμον.*

4) Aristot. Polit. ii. 6. 16:—*καθίσταται γὰρ (ἡ ἐφορία) ἐξ ἁπάντων* (sc. *Σπαρτιατῶν*, not from the "Ομοιοι only). *Ἀλλ' αἱρετὴν ἔδει τὴν ἀρχὴν εἶναι ταύτην ἐξ ἁπάντων μὲν, μὴ τὸν τρόπον δὲ τοῦτον, ὃν νῦν· παιδαριώδης γάρ ἐστι λίαν. Ἔτι δὲ καὶ κρίσεών εἰσι μεγάλων κύριοι, ὄντες οἱ τυχόντες, κ. τ. λ.* Nor is the meaning clearer of iv. 7, 5:—*δύο τὰς μεγίστας ἀρχὰς τὴν μὲν αἱρεῖσθαι τὸν δῆμον, τῆς δὲ μετέχειν· τοὺς μὲν γὰρ γέροντας αἱροῦνται, τῆς δ' ἐφορίας μετέχουσιν. Οἱ δ' ὀλιγαρχίαν· διὰ τὸ πολλὰ ἔχειν ὀλιγαρχικὰ, οἷον τὸ πάσας αἱρετὰς εἶναι καὶ μηδεμίαν κληρωτὴν, κ. τ. λ.* Comp. also Isocr. Panath. p. 630, and Plat. de Legg. iii. p. 692. B.: *τὴν τῶν ἐφόρων δύναμιν ἐγγὺς τῆς κληρωτῆς ἀγαγὼν δυνάμεως.*

5) Aristot. Polit. ii. 6. 18: *Δόξειε δ' ἂν ἡ τῶν ἐφόρων ἀρχὴ πάσας εὐθύνειν τὰς ἀρχὰς, κ. τ. λ.*

6) For they decided *αὐτογνώμονες*, not *κατὰ γράμματα καὶ νόμους*, Aristot. §. 16: comp. above, §. 25. n. 1. But Aristot. Rhetor. iii. 18. 6; and Plut. Agis. c. 12, imply the liability of even the Ephors to be called to account after the expiration of their term of office.

7) Rep. Lac. viii. 4: *ἔφοροι οὖν ἱκανοὶ μέν εἰσι ζημιοῦν ὃν ἂν βούλωνται, κύριοι δ' ἐκπράττειν παραχρῆμα, κύριοι δὲ καὶ ἄρχοντας μεταξὺ καταπαῦσαι καὶ εἱρξαι καὶ περὶ ψυχῆς εἰς ἀγῶνα καταστῆσαι.* Is Corn. Nepos exact in saying (Pausan. c. 3.) *licet enim cuivis ephoro hoc facere regi?*

8) Plut. Vit. Cleom. c. 10; Reip. Ger. Præc. c. 21, sqq. But to the king, *ἕδρας πάντες ὑπανίστανται πλὴν οὐκ ἔφοροι ἀπὸ τῶν ἐφορικῶν δίφρων*, Xenoph. Rep. Lac. XV. 6.

9) To ensure not only the purity, (Platon. Alc. i. p. 121. B.; Plut. Agis. c. 11,) but the perpetuity of their Heraclide race of kings; see the anecdotes in Plut. de Educ. c. 2, with Wyttenbach's remarks, p. 71.

10) Such as, for instance, the spectatio de cœlo, mentioned by Plut. Agis. c. 11.

11) Pausan. iii. 5. 3.

§. 45. How many of these several rights had been originally conceded to them, and how many subsequently usurped is difficult to decide: but we may safely reckon among the latter the share they ob-

tained in the executive at the cost of the royal prerogative [1]. Thus whilst Lacedæmon was in the height of its power and prosperity, the public assemblies were called, and the proceedings in them regulated by these magistrates [2]. They granted audiences to foreign envoys and sent out ambassadors, decided on military expeditions [3], fixed the number of troops to be employed, and appointed their commander. The latter was consequently implicitly subject to their orders, was bound to obey their *σκυτάλη* [4], and address his dispatches to them. They curtailed, B. C. 418, by the appointment of ten *σύμβουλοι* [5], even the discretionary power respecting the operations of the campaign, which the kings had till then enjoyed whilst in the field [6]: shortly afterwards two of their own body accompanied the king on military duty. Besides these consecutive encroachments on the royal power, their aims were furthered by the dissensions and jealousy of the two royal families [7], who, instead of uniting their influence against the ephors, were much more intent on depreciating each other in their esteem [8], and thus were reduced to the condition of rivals for their favour [9], at the risk of otherwise entirely succumbing to them [10].

1) Whence *τὰ τέλη*, magistrates, (comp. Ducker. ad Thucyd. i. 58; Sturz. Lex. Xen. iv. p. 276; Wachsm. i. 1. §. 326,) a sense which Tittm. §. 102, is certainly wrong in restricting to a select committee of magistrates acting in the lesser Ecclesia, (see above, §. 24. n. 11.) Comp. Müller, ii. p. 90. n. d, and 125—132.

2) Thucyd. i. 87: *ἐπιψηφίζει αὐτὸς ἔφορος ὤν.*

3) *Φρουρὰν ἔφαινον*: see Sturz. l. l. iv. p. 420.

4) On these, comp. Plut. Lysand. c. 19; Gell. N. A. xvii. 9; Schol. Pind. Olymp. vi. 156; and Meurs. Misc. Lacc. iii. 4. p. 212, sqq.; J. A. Bos ad Cornel. Nep. Pausan. c. 3; Beck. ad Aristoph. Aves. v. 1283.

5) Thucyd. v. 63; Diodor. xii. 78. As early as 446 B. C. Cleandridas accompanied the young king Pleistoanax in that capacity; see Plut. Pericl. c. 22. Subsequently, however, we find Agis again uncontrolled, Thucyd. viii. 5.

6) Xen. Hell. ii. 4. 36; Rep. Lac. xiii. 5; Aristot. Polit. ii. 6. 20.

7) Comp. Herod. vi. 52; Xen. Hell. v. 3. 20; Pausan. iii. 1. 7; in fact, according to Aristot. l. c., *σωτηρίαν ἐνόμιζον τῇ πόλει εἶναι τὸ στασιάζειν τοὺς βασιλέας*. Hence also the prohibition of joint military command, which existed at a very early period, Herod. v. 75.

8) Plut. Agis. c. 12.

9) Aristot. ii. 6. 14: *διὰ τὸ τὴν ἀρχὴν εἶναι λίαν μεγάλην καὶ ἰσοτύραννον δημαγωγεῖν αὐτοὺς ἠναγκάζοντο οἱ βασιλεῖς*.

10) Yet most of the kings, from B. C. 500 to 400, were more or less unsuccessful in their endeavours. Comp. Tittm. §. 130.

§. 46. Whilst the ephoralty was thus assuming a pure despotic form[1], instead of the democratic character by which it had once obtained for the Spartan constitution the praise[2] of a wise combination of all the three forms of government, the old aristocracy established by Lycurgus was ever tending to become an oppressive oligarchy[3]; from which the oracle foretelling that avarice alone should work the fall of Sparta ultimately received its fulfilment[4]. The main causes of this corruption were the political circumstances which involved Sparta in foreign wars and naval expeditions, thereby not only familiarizing its citizens with foreign customs, contrary to the design of their legislator, but occasioning several actual departures from his institutions[5]. The very necessity of dispatching other generals than the kings to the various scenes of warfare, was contrary to the spirit of Lycurgus' enactments; new dignities were created, such as harmosts for the conquered cities, navarchs[6] and epistoleis[7] for the fleet. The restrictions at first imposed on these offices were progressively eluded or dispensed with[8]; and that characters such as Clearchus[9] and Lysander[10] could not but yield to the temptations presented by such a state of things, is shown by the case of Pausanias[11] at a period when Sparta was as yet comparatively sound within, and a stranger to the temptations of the precious metals.

1) Plat. de Legg. iv. 712. D.: *τὸ γὰρ τῶν ἐφόρων θαυμαστὸν ὡς τυραννικὸν ἐν αὐτῇ γέγονε*; conf. Aristot. l. l.

2) Plat. de Legg. iii. p. 692. A.; Aristot. Polit. ii. 3. 10; 6. 15; iv. 5, 11; 7. 4; Isocr. Panath. p. 630; Polyb. vi. 3. 8; 10. 6; Stob. Serm. xli. p. 267.

3) Aristot. Polit. v. 6. 7; see the usual process of such a change in Plat. Republ. viii. p. 547. D.; 551. B.

4) *Ἀ φιλοχρηματία Σπάρταν ὀλεῖ, ἄλλο δὲ οὐδέν.* See the Commentators on Cic. de Offic. ii. 22. 77; Neumann. ad Aristot. Frag. p. 132; Mai ad Diodor. Frag. Vat. p. 3; Pausan. ix. 34. 3.

5) Thucyd. i. 71: *ἡσυχαζούσῃ μὲν πόλει τὰ ἀκίνητα νόμιμα ἄριστα, πρὸς πολλὰ δὲ ἀναγκαζομένοις εἶναι πολλῆς καὶ τῆς ἐπιτεχνήσεως δεῖ.* Comp. above, §. 36, and particularly Polyb. vi. 49. 7.

6) *Σχεδὸν ἑτέρα βασιλεία*, Aristot. Polit. ii. 6. 22. They were, in fact, generally held in check by *σύμβουλοι*, Thucyd. ii. 85; iii. 69; viii. 39.

7) Sturz, Lex. Xenoph. ii. p. 321. On the Harmosts, see above, §. 39. n. 8.

8) Strictly, none of these offices could be held for more than one year, nor a second time. Xenoph. Hellen. ii. 1. 7.

9) Diodor. xiv. 12.

10) Diodor. xiv. 13; Plut. Lysand. c. 24, sqq.

11) Thucyd. i. 128—133. He fell in attempting to produce a revolt of the Helots and the overthrow of the ephors, as did Lysander in aiming at that of the kings. Comp. Aristot. Polit. v. 1. 5; 6. 2.

§. 47. Lysander is generally pointed out as the first who made his countrymen familiar with coined money by the booty he brought home[1], and the open demoralisation of Sparta dates from that fact. The precious metals had long before found their way to individuals[2]; and now that the state itself began to amass treasure[3], no prohibitory measure could restrict the possession of wealth to the public coffers[4]. The very highest bodies of the magistracy, favoured by their independent position, were not unfrequently foremost in corruption, and in the infringement of public discipline. Such was the case with the members of the senate in general[5], and above all with the ephors, belonging, as they generally did, to the poorer ranks[6]. The original equal distribution of property[7] began

moreover to give way to one oppressively disproportionate[8]. In the case of numerous families the original lot became inadequate to the maintenance of all, and, occasionally, by marriages, or through the changes of inheritance, caused by the constant wars, two or more lots came into the hands of one individual, who, it might happen, left no offspring or none but females[9]. Amid these circumstances the law of Epitadeus[10], prohibiting the alienation of property by purchase, but allowing of its disposal by way of gift or by will, was a decisive step towards ruin; large dowries, which Lycurgus had strictly forbidden[11], became common, and whilst the rich contracted alliances and made bequests among themselves only[12], a distinction of ranks arose founded on wealth[13], which gained ground the more easily, from the circumstance that Lycurgus himself had excluded from the exercise of his rights as citizen[14], whoever could not contribute his due quota to the syssitia[15], or afford to go through with the education and lead the life of a pure-born Spartan. Thus, eventually, of only seven hundred remaining Spartans, not more than one hundred found themselves in full enjoyment of all their rights as such[16]; at the same time the female sex, which, in the time of Aristotle, was in possession of two-fifths of the whole landed property[17], was ever gaining new influence from the circumstance that there existed no legal check to the arrogance of its pretensions.

1) Conf. Plut. Lysand. c. 17; Ælian. Var. Hist. xiv. 29.—Böckh, Publ. Œcon. i. p. 43, sqq. (comp. C. Inscr. i. p. 697, on Athen. vi. p. 233. F.) and Müller, ii. p. 219, conjecture that money existed in Sparta before his time; but Thucyd. i. 80 and 141, certainly states that they had no treasury before him. On the fines, see Meier de bonis damn. p. 198.

2) Pausanias hoped for a bribe, Thucyd. i. 131. Leotychidas was bribed (B. C. 470), Herod. vi. 72; Paus. iii. 7, 8; Plistoanax and Cleandridas, (B. C. 446;) Thucyd. ii. 21; v. 16. Pericles expended ten talents among them, *εἰς τὸ δέον*, (Plut. Vit. Pericl. c. 22, sq.: comp. Schol. Arist. Nub. 858). Gylippus was charged with embezzlement, Plut. Lysand.

c. 16; Diodor. xiii. 106. Compare Aristoph. Pac. v. 620, sqq., and Levesque in Mém. de l'Inst. t. iii. p. 365.

3) Plat. Alc. i. p. 122. E: *χρύσιον δὲ καὶ ἀργύριον οὐκ ἔστιν ἐν πᾶσιν Ἕλλησιν ὅσον ἐν Λακεδαίμονι ἴδιᾳ.* Conf. Hipp. Maj. p. 283. D, and Bitaubé sur la richesse de Sparte, (Mém. de Berlin, 1781,) p. 559, sqq.; Wachsm. ii. 1. §. 111, sqq.

4) Aristot. Polit. ii. 8. 7: *ὅ τι δ' ἂν ὑπολάβῃ τίμιον εἶναι τὸ κύριον, ἀνάγκη καὶ τῶν ἄλλων πολιτῶν δόξαν ἀκολουθεῖν τούτοις.*

5) Aristot. Polit. ii. 6. 18.

6) Aristot. ibid. §. 14. 16.

7) As to how this can have been maintained for a time, see the Conjectures of Manso, i. 1. §. 121; i. 2. §. 129—134, who does not however meet all the difficulties. See also Tittm. §. 660.

8) Aristot. Polit. ii. 6. 10.

9) We read of heiresses; see above, §. 25. n. 14.

10) Plut. Agis, c. 5.—Manso (iii. 1. §. 263) sets him later than Agesilaus; Müller, more correctly, (ii. p. 205,) after Lysander; although we certainly meet with rich heiresses in the times of Archidamus, (Athen. xiii. 20. p. 566. A.) and Lysander (Plut. Lysand. c. 30; Ælian. Var. Hist. vi. 4). What we read in Plut. Ages. c. 4, seems at all events to indicate such a law; from the anecdote in his Narr. Amat. c. 5. t. xii. p. 77, it would seem to have existed before Ol. 77. 4; but compare Meier de bonis damn. p. 199.

11) Justin. iii. 3; Ælian. Var. Hist. vi. 6; Hermippus ap. Athen. xiii. 2.

12) Aristot. Polit. v. 6. 7; Plut. Agis, c. 5.

13) Accordingly we find Aristotle mentioning *γνώριμοι, καλοὶ κἀγαθοί*, etc., in contradistinction to the *δῆμος*, although the latter must have included Spartans, the ephors being elected from it. Comp. ii. 6. 15.—Even Thucyd. i. 6, recognises distinctions in Lacedæmon founded on property. We read of *ἱπποτροφίαι*, Plut. Ages. c. 20. Compare Xen. Hell. vi. 4. 21.

14) Xenoph. Republ. l. x. 7. Compare above, §. 24. n. 16.

15) Aristot. Polit. ii. 6. 21.

16) Plut. Agis, c. 5. extr.

17) Polit. ii. 6. 11; comp. Plut. Agis, c. 7, and above, §. 27. n. 12.

§. 48. Another consequence of the progressive diminution of the male citizens by continual warfare[1], was danger from the Helots, which of necessity increased in proportion to the attempts made to debase them[2] and thin their numbers by every means that craft and violence could suggest. Extermination en masse[3] was naturally had recourse to only in extreme

cases, but numbers were yearly despatched in the petty warfare, through which the κρυπτεία sank from its original design of training the Spartan youth to military operations[4], to a system of assassination[5]. On the other hand, the diminution of their own numbers compelled the Spartans to emancipate and arm Helots in order to make up the complement of their armies. The success of the first experiment of this kind[6], B. C. 424, was such that after that period it became usual to enlist citizens only for service in Greece, whilst Periœci and Neodamodes were sent on foreign or distant expeditions[7]. Only when the king himself took the command, thirty Spartans accompanied him as a guard of honour[8]; on other occasions it was considered sufficient that a Spartan should have the command, though we even find Periœci at the head of lochi[9]. Notwithstanding all this, the Spartans, diminished as their numbers were, persisted in their old system of exclusion and oppression, exciting the deadly and undisguised hatred of all their subjects. This, but for the precaution of Agesilaus, would have effected the overthrow of the established constitution, B. C. 397, by the conspiracy under Cinadon[10].

1) On the ὀλιγανθρωπία of Lacedæmon, see Aristot. Polit. ii. 6. 12, and Clinton's Fasti, vol. ii. p. 407, sqq.

2) See, on this subject at large, Athen. xiv. 74, p. 657. D., and on the practice of intoxicating them, Meurs. Misc. ii. 6. pp. 128, 129; Leopold, ad Plut. Vit. Lycurg. p. 251. It is contradicted by Müller, Dorians, vol. ii. p. 39.

3) Thucyd. iv. 80. On another occasion the Lacedæmonians rejoiced at the desertion of 50000 (?) slaves in the train of the Ætolians, Plut. Vit. Cleom. c. 18. For the particulars of the decay and fall of Sparta, see Polyb. iv. 349, and comp. Manso, iii. 2. §. 128—132.

4) See Plut. de Legg. i. p. 633. B.; comp. vi. p. 763. B.; Plut. Vit. Cleom. c. 28; Müller, ii. p. 40.

5) Plut. Vit. Lycurg. c. 28. Vide plur. ap. Manso, i. 2. §. 141—153.

6) The Βρασιδεῖοι, Thucyd. iv. 80; v. 34.

7) So with Gylippus, Thucyd. vii. 58; Thimbron, Xenoph. Hell. iii. 1. 4; Eudamidas, ibid. v. 2. 24.

8) Conf. Xenoph. Hell. iii. 4. 2; v. 3. 8; Diodor. xiv. 79. Were they sent as σύμβουλοι (Plut. Lysand. 23.)?

9) Thucyd. viii. 22. Were Helots ever made Harmosts? Xenoph. Hell. iii. 5. 12.

10) Xenoph. Hell. iii. 3. 4—11; conf. Aristot. Polit. v. 6. 2.

§. 49. The reign of this Agesilaus, who, after having raised the political power of Sparta to the greatest height it ever attained, outlived its total downfall, forms a remarkable epoch in the history of that state, inasmuch as the struggles between the kings and ephors ceased with him, and the latter attained an undisputed supremacy in the government[1]; particularly after the kings and princes became adventurers on foreign service at the head of mercenaries[2], or parasites at foreign courts[3]. Thus everything contributed to annihilate the creation of Lycurgus; the impoverishment and overwhelming debts of the majority[4] of the citizens, was augmented by the loss of Messenia about this time. Such of his institutions as still existed were reduced to empty formalities, and the decay of warlike spirit was sufficiently attested by the fortification of the city[5] against the attacks of Demetrius and Pyrrhus, B. C. 296 and 272. The attempt of Agis III. to effect a redivision of the land after an abolition of debts, and recruit the members of the Spartan citizens, ended in his own destruction[6]: it was only on the ruins of the ephoralty that Cleomenes III.[7] could found the renovation, which, by restoring the ancient discipline in conjunction with the new Macedonian tactics[8], excited some expectation that Lacedæmon might regain its sway over the Peloponnesus[9], but in reality contributed to hasten its downfall. The league between the Achæans and Antigonus Doson of Macedonia[10], compelled the youthful hero to surrender all his conquests; and his defeat at

Sellasia[11], B. C. 222, shortly afterwards put an end to the Heraclide dynasty in Lacedæmon[12].

1) Plut. Vit. Ages. c. 4: *τὸ πολεμεῖν καὶ προσκρούειν αὐτοῖς ἐάσας ἐθεράπευε, κ. τ. λ.*

2) As Archidamus III. B. C. 338, at Tarentum; Diodor. xvi. 63; Strab. vi. p. 429. B.; Agis II. B. C. 332, in Crete; Diodor. xvii. 48; Cleonymus, B. C. 303, at Thurium; Diodor. xx. 105; Liv. x. 2.

3) As Acrotatus, Diodor. xix. 71; Leonidas II. Plut. Agis, c. 3; Athen. iv. 20.

4) Plut. Agis, c. 5; see above, §. 47.

5) Pausan. i. 13. 5; vii. 8. 3; Justin. xiv. 5; Liv. xxxiv. 38. Conf. Manso, iii. 1. §. 252, sqq. On the unfortified condition of the city in earlier times, see Meurs. Misc. p. 285, sqq.; Cragius, iii. 2. 5; conf. Plat. de Legg. vi. 778. D.: *χαλκᾶ καὶ σιδηρᾶ δεῖν εἶναι τὰ τείχη μᾶλλον ἢ γήϊνα.*

6) Plut. Agis, c. 6, sqq. Conf. Manso, iii. i. §. 277, sqq.

7) Plut. Vit. Cleom. c. 7, sqq.; Wachsmuth, i. 2. §. 421.

8) Plut. l. l. c. 11; Manso, iii. 1. §. 311, sqq.

9) Polyb. ii. 46, sqq.; Plut. l. l. c. 14, sqq. Comp. Manso on Polybius and Plutarch respecting Cleomenes, Spart. iii. 2. §. 133, sqq.; and Chr. Lucas, über Polybius Darstellung d. ätolischen Bundes, (Königsb. 1827,) §. 53. 85, sqq.

10) Plut. Vit. Arat. c. 38, sqq. After three defeats, Polyb. ii. 51.

11) Plut. Vit. Cleom. c. 28, sqq.; Polyb. ii. 64, 65. He died in exile at Alexandria, three years afterwards. Plut. c. 35, sqq.; Polyb. v. 35—39.

12) Pausan. iii. 6. 5. The race of the Heraclidæ was not however yet extinct; see Polyb. iv. 35, and Clinton's F. H. vol. ii. p. 218. There were persons who claimed descent from Hercules so late as in the second century of the Christian era; see Boeckh. ad C. Inscr. i. p. 655.

§. 50. The victor generously allowed the Spartans to retain their independence, and re-established the ephoralty[1], by that very means sowing the seeds of fresh convulsions[2] which soon led the Lacedæmonians to side with the Ætolians against Macedonia and Achæa. A certain Lycurgus usurped the throne to the detriment of the more lawful claimants of the Heraclide race[3], one of whom named Chilon made an unsuccessful attempt to effect a reaction[4] by conspiring to overthrow the ephoralty; Lycurgus continued to reign, in dependence on the ephors[5], till B. C. 211, when the kingly power was usurped by Machanidas[6], and, after

his fall at Mantinea, B. C. 207, by the renowned Nabis[8]. The latter, though he had been at an earlier period the ally of Rome[9], was involved in the fall of Philip of Macedon by his hostility to the Achæans, who at that time joined the Roman interest[10]; Quinctius Flamininus compelled him, B. C. 195, to surrender the sea-ports of Laconia to their keeping[11], and his murder by the Ætolians[12], B. C. 192, gave the Achæan general, Philopœmen, an opportunity of winning over Sparta to the Achæan league. Three years afterwards that commander also availed himself of an insurrection to abolish what relics still remained of the institutions of Lycurgus, intending to substitute those of the Achæans[13]; the oppressed Spartans however obtained protection from the Romans[14], whose jealousy readily seized this opportunity of meddling with the internal affairs of the League. Sparta did indeed again formally join the confederacy[15], B. C. 182, but a renewal of her grievances at last brought about the war[16] which ended, B. C. 146, in the subjugation of the Peloponnesus by the Romans, but left her in possession of such a degree of freedom as a Greek state could enjoy under the supremacy of Rome[17]. The sea-coast towns seem however to have continued independent of Sparta; Augustus subsequently limited the number of these free towns (Eleutherolacones) to twenty-four[18]. Their chief magistrates were styled ephors[19]; in Sparta meantime the Patronomi[20] instituted by Cleomenes[21] continued to exist, together with the ephors and the senate.

1) Polyb. ii. 70; v. 9. 8; xx. 5. 12; Pausan. ii. 9. 2.

2) Polyb. iv. 22.

3) Polyb. iv. 34, sqq. Agesipolis III. being a minor, was at first only nominally king with him.

4) Polyb. iv. 81.

5) Polyb. v. 29; conf. 91.

6) Manso, iii. 1. §. 369.

7) Polyb. xi. 11, sqq.; Plut. Vit. Philopœm. c. 10; Pausan. viii. 50. 2.

8) Polyb. xiii. 6; xvi. 13; Pausan. iv. 29. 4.

9) Liv. xxix. 12.

10) Polyb. xvii. 5. 7; Liv. xxxii. 20, sqq.; Pausan. vii. 8.

11) Liv. xxxiv. 36; conf. xxxv. 13; Achæis omnium maritimorum Laconum tuendorum a T. Quinctio demandata cura erat. On the battle of Sellasia, see Leake, vol. ii. p. 530.

12) Liv. xxxv. 35, sqq.; Plut. Vit. Philop. c. 15; Pausan. viii. 50, 51.

13) Liv. xxxviii. 30—34; Pausan. vii. 8. 3.

14) Polyb. xxiii. 1. 11; xxiv. 4. 10; conf. Manso, §. 424.

15) Polyb. xxv. 2: *οἱ Ἀχαιοὶ ἔκριναν προσλαβέσθαι τὴν πόλιν, καὶ μετὰ ταῦτα στήλης προγραφείσης συνεπολιτεύετο μετὰ τῶν Ἀχαιῶν ἡ Σπάρτη.*

16) See Polyb. xxx. 1, sqq.; Pausan. vii. 9, sqq., for the conduct of the traitor Callicrates, and the prætors Menalcidas and Diæus.

17) Strab. viii. p. 562. B.: *μικρὰ μέν τινα προσέκρουσαν τοῖς πεμπομένοις ὑπὸ Ῥωμαίων στρατηγοῖς, τυραννούμενοι τότε καὶ πολιτευόμενοι μοχθηρῶς· ἀναλαβόντες δὲ σφᾶς, ἐτιμήθησαν διαφερόντως καὶ ἔμειναν ἐλεύθεροι, πλὴν τῶν φιλικῶν λειτουργιῶν ἄλλο συντελοῦντες οὐδέν.* See a further account in Manso, §. 444, sqq. On the permanency of the institutions of Lycurgus, see Dio Chrysost. xxv. p. 281; and others quoted by Meurs. Misc. ii. 5. p. 121.

18) Besides Strabo, l. c. see in particular Pausan. iii. 21. 6, in whose time some had already fallen anew under the power of Sparta.

19) Boeckh. ad C. Inscr. i. p. 608: *τὸ κοινὸν τῶν Ἐλευθερολακώνων*, ibid. p. 670. Comp. also Tittmann, §. 138.

20) The first of them accordingly was *ἐπώνυμος*. On the magistracy of Lacedæmon at this period, see Boeckh. l. c. i. p. 604—613.

21) Pausan. ii. 9. 1; conf. Meurs. l. c. ii. 4. p. 113.

CHAPTER III.

HISTORY OF THE DEVELOPMENT OF THE VARIOUS FORMS OF GOVERNMENT AMONG THE GREEKS, WITH THEIR RESPECTIVE CHARACTERISTICS.

§. 51. Aristotle[1], in publishing his opinion, that the notion of a state is antecedent to that of an individual, and that the existence of the latter is modified by the former, as the part by the whole, was the first who explicitly declared the principle on which, though not clearly recognised, the whole political system of Greece was originally founded. The individual was respected as a man, and considered as possessed of civil rights, only within the boundaries of the state to which he belonged. Hence the state was the sole object of that system[2], and the citizen, whose existence was purely relative and dependent, had no legal claims on the state[3], but only on the individuals who were like himself subject to its absolute will. But while, on the one hand, the Greek state thus seemed to assume the character of the Asiatic despot, it is easy on the other, to distinguish the practical difference between the despotism of an autocrat, and despotism, in the abstract, as possessed and exercised by the public. In the latter case, the law, being only the incorporated will of the state, prevails as the lawful sovereign[4] of the land, the constituted authorities of which are merely its instruments and representatives[5]. All the legally established governments of Greece may therefore be considered free republics[6],

if freedom be defined to mean no more than the certainty of depending on the will of no one individual who is not, equally with his fellow-citizens, subject and responsible to the absolute authority of the laws, to the will of the body politic. The degree in which the individual himself participates as member of the state in its powers, defines the degree of his political independence[7]; but it seems essential to the idea of citizen, that he should in some way or other participate in all debates and decisions on public matters[8]; accordingly, it is only a community of persons thus privileged (respect being had in every case to the restrictions and modifications peculiar to particular communities[9]) that constitutes the πόλις or state[10].

1) Politic. i. 1. 11.

2) Tittm. §. 15. "In modern times the state pays more regard to the rights of the individual than was the case among the Greeks, who rather consulted the interests of the community at large, and the maintenance of general equality."

3) Plat. Criton. c. 12; conf. Demosth. pro Cor. p. 296. 16; and my Diss. de Jure et Auct. Magg. ap. Athenienses, p. 55, sqq. *Antiquissima et sanctissima parens patria;* Cic. ad Att. ix. 9; conf. Catil. i. 7; Philipp. v. 5; Offic. i. 17; Mai. ad Cic. de Rep. i. 4. extr.

4) Herod. vii. 104: ἐλεύθεροι γὰρ ἐόντες οὐ πάντα ἐλεύθεροί εἰσι· ἔπεστι γάρ σφι δεσπότης νόμος, ὃν ὑποδειμαίνουσι πολλῷ ἔτι μᾶλλον ἢ οἱ σοὶ σέ. Comp. Plat. Rep. ix. p. 590. E.; de Legg. iii. p. 700. A.; iv. 714. A.; vi. 762. E.; Epist. viii. p. 354. C.; Aristot. Polit. iii. 613; 11. 3; iv. 4. 6; Menand. Frag. inc. CL. p. 241. Meinek.; Philem. ap. Stob. Serm. lx. p. 381. Gesn. (p. 366. Meinek.) Comp. also Weisse div. civit. const. ind. p. 123; and Rötscher's Aristoph. und seine Zeit, §. 85—93. Thence, οἱ τῶν πόλεων βασιλεῖς νόμοι; see Boeckh. ad Pindar. Frag. 48. p. 641; Spengel. Art. Scr. p. 177.

5) Aristot. Polit. iii. 11. 3: κἂν εἴ τινας ἄρχειν βέλτιον, τούτους καταστατέον νομοφύλακας καὶ ὑπηρέτας τοῖς νόμοις. Conf. Plat. de Legg. iv. p. 715. D.: ἄρχοντες δοῦλοι τοῦ νόμου.

6) This is what Tittm. (§. 526,) and Vollgraff (§. 112, sqq.) mean, when they assert that all the governments of Greece were quite *democratical.*

7) Hence Aristot. Polit. iii. 1. 6: ὁ ἐν δημοκρατίᾳ μάλιστα πολίτης.

8) Πολίτης ὁ μετέχων κρίσεως καὶ ἀρχῆς, Aristot. Polit. iii. 1. 4. See instances in Wachsm. i. 1. §. 162—167.

9) Aristot. Polit. iii. 5. 14: πόλις ἡ γενῶν καὶ κωμῶν κοινωνία ζωῆς τελείας καὶ αὐτάρκους: conf. Plat. Republ. ii. p. 369. B. sqq.

10) Ibid. iii. 1. 8: ᾧ γὰρ ἐξουσία κοινωνεῖν ἀρχῆς βουλευτικῆς ἢ κριτικῆς, πολίτην ἤδη λέγομεν εἶναι ταύτης τῆς πόλεως· πόλιν δὲ τὸ τῶν τοιούτων πλῆθος, ἱκανὸν πρὸς αὐτάρκειαν ζωῆς. Conf. iii. 7. 13: πολίτης δὲ κοινῇ μὲν ὁ μετέχων τοῦ ἄρχειν καὶ ἄρχεσθαί ἐστι· καθ' ἑκάστην δὲ πολιτείαν ἕτερος: for, (iii. 1. 14.) μάλιστα λεκτέον τὴν αὐτὴν πόλιν εἰς τὴν πολιτείαν βλέποντας.

§. 52. It is on the more accurate definition of the mode and extent of this participation that the differences of constitutions, πολιτεῖαι, rest; these are not dependent on the laws, which serve but to regulate the intercourse of citizens and conduct of magistrates, but turn more on the relations subsisting between the state itself and its members [1]. They may be classed under three comprehensive denominations, according as the supreme power is vested in the hands of an individual, of a part, or of a general assembly of the free citizens. Of these three, however, each branches out into two forms of opposite characters [2]. If, for instance, the ruling power in each, abiding faithfully by the principle we have explained above, acknowledges laws and a power above itself, deriving thence alone its own strength, and taking the interest of all and the public voice for its guide, then each of the three forms is valid and good [3], and their excellence and permanency depend merely on external circumstances and the spirit of the times [4], which in the early stages of society favours an hereditary monarchy or aristocracy, in the later a moderate democracy [5]. On the other hand, that arbitrary caprice and contempt of law, which makes might to be right, exalts private interest to the importance of a national object, and urges its demands as law upon the individual citizen [6], may be developed under each of the three forms [7], although the more private the interest which is substituted for that of the public, the more violent is the spirit with which it is urged. We thus obtain six forms of government, which, taken in

couples, exhibit a legitimate form and its abuse, (*παρέκβασις*[8],) agreeing in their most prominent features. There is thus a correspondence between a monarchy and a tyranny; an aristocracy and an oligarchy; and a moderate and an absolute democracy[9], i. e. so far as a democracy is characterised by the tyranny of the populace, and despotism of the poorer majority over the wealthier but numerically inferior class of citizens.

1) Aristot. Polit. iv. 1. 5: *πολιτεία μὲν γάρ ἐστι τάξις ταῖς πόλεσιν ἡ περὶ τὰς ἀρχὰς, τίνα τρόπον νεμέμηνται, καὶ τί τὸ κύριον τῆς πολιτείας, καὶ τί τὸ τέλος ἑκάστοις τῆς κοινωνίας ἐστί. Νόμοι δὲ κεχωρισμένοι τῶν δηλούντων τὴν πολιτείαν, καθ' οὓς δεῖ τοὺς ἄρχοντας ἄρχειν καὶ φυλάττειν τοὺς παραβαίνοντας αὐτούς.* Conf. iv. 3. 3: *πολιτεία μὲν γὰρ ἡ τῶν ἀρχῶν τάξις ἐστί· ταύτην δὲ διανέμονται πάντες ἢ κατὰ τὴν δύναμιν τῶν μετεχόντων, ἢ κατά τινα αὐτῶν ἰσότητα κοινὴν, λέγω δὲ οἷον τῶν εὐπόρων ἢ τῶν ἀπόρων, ἢ κοινήν τιν' ἀμφοῖν*: and Plat. Legg. v. p. 735. A.

2) Herod. iii. 80—82; Xen. M. S. iv. 6. 12; Plat. Polit. p. 291. D. sqq.; Republ. viii. p. 543. C—IX. p. 580. B.; Aristot. Rhet. i. 8; Pol. iii. 5. sqq.; Eth. Nic. viii. 10; Mor. Eud. vii. 9; Polyb. vi. 3—9; Cic. de Republ. i. c. 26—29; Strab. i. p. 20. B.; Dio Chrysost. iii. p. 43, 44; Plut. de Monarchia, etc. t. xii. p. 203—206. Hutt.; Menand. Rhet. de Encom. iii. 1. p. 94. Heer.; Sallust. de Mundo, c. 11; with the notes of Orelli, p. 146, sqq. Comp. Hüllmann's Staatsr. des Alterth. §. 117—123; and Fr. Schleiermacher, über die Begriffe der verschiedenen Staatsformen, in Abh. der Berl. Acad. 1814—15; Philos. Cl. §. 17—59; Ph. Guil. van Heusde, Diatribe in civitates antiquas, 1817; Lud. Jos. Delwarde, de formis rerum publice gerendarum, in Annal. Acad. Lovan. 1821—22; but see particularly, in connection with this and the following sections, Heeren's Res. Greece, p. 136, sqq.; Tittmann, §. 520; Kortüm, §. 1; Wachsm. ii. 1. §. 5.

3) Aristot. Polit. iii. 4. 7: *φανερὸν τοίνυν, ὡς ὅσαι μὲν πολιτεῖαι τὸ κοινὸν συμφέρον σκοποῦσιν, αὗται μὲν ὀρθαὶ τυγχάνουσιν οὖσαι κατὰ τὸ ἁπλῶς δίκαιον· ὅσαι δὲ σφέτερον μόνον τῶν ἀρχόντων, ἡμαρτημέναι πᾶσαι καὶ παρεκβάσεις τῶν ὀρθῶν πολιτειῶν· δεσποτικαὶ γὰρ· ἡ δὲ πόλις κοινωνία τῶν ἐλευθέρων ἐστίν.*

4) For the characteristics of the *πλῆθος βασιλευτὸν, ἀριστοκρατικὸν* and *πολιτικὸν*, ibid. iii. 11. 11.

5) Plato had no name by which to distinguish this from its abuse, Polit. p. 292. A.; comp. Aristot. Polit. iv. 10. 11. It afterwards received "*τὸ κοινὸν ὄνομα πασῶν τῶν πολιτειῶν*," sc. Politeia; see Aristot. iii. 5. 3; iv. 5. 9; v. 6. 4; Spohn ad Isocr. Paneg. p. 97; Meier de bonis damn. p. 2; Foertsch Comm. Crit. de Lys. et Demosth. p. 21; Voemel ad Demosth. Olynth. i. p. 40; Wachsm. i. 2. §. 298.

6) Xen. Mem. Socr. i. 2. 43, sqq.; comp. Thucyd. i. 17; Plat. de Legg. iv. p. 697. D, and Synesius de regno c. 6: *βασιλέως τρόπος ὁ νόμος, τυράννου δὲ νόμος ὁ τρόπος.* On the principle: *ὅτι τὸ δίκαιον τὸ τοῦ κρείττονος συμφέρον*, comp. Plat. de Republ. i. p. 338. C.; de Legg. iv. p.

714. D.; Strab. i. p. 21. A. Cic. de Rep. i. 32, bears particularly on this point: *facillimam autem in ea republica esse concordiam, ubi idem conducat omnibus; ex utilitatis varietatibus, quum aliis aliud expediat, nasci discordias.*

7) Cic. de Republ. i. 28: *nullum est enim genus illarum rerum publicarum, quod non habeat iter ad finitimum quoddam malum præceps ac lubricum.* Comp. on the subject at large, Plat. Politic. p. 301—303; Aristot. iii. 5.

8) So Aristot. l. c.; Plato calls them, *στασιωτεῖαι*, de Legg. iv. p. 715. B.; viii. p. 832. C.; Plutarch, *παρατροπαὶ καὶ ὑπερχύσεις.*

9) The name Ochlocracy, applied to the latter, seems to be later than Aristotle. Compare Polyb. vi. 4. 6; 57. 9; Plut. de Monarchia, etc. c. 3; Max. Tyr. xxii. 4; xxxiii. 6. Synesius de regno c. 10; Anon. Vit. Homeri, in Gale's Opusce. p. 381. ed. Amst.; Theophylact. de instit. reg. ii. c. 6. p. 47. ed. Possin. *Χειροκρατία*, ap. Polyb. vi. 9. 7, and *λαοκρατία*, ap. Menander l. c. are words of like import.

§. 53. If we examine more closely what this power was of which the possession and distribution decided the character of the government, its three most important modifications appear to have been the deliberative, the executive, and the judicial[1]. What is called the legislative eventually coincides with the deliberative[2], and can manifestly have no place[3] in the infancy of a state, when that which is found established is usually received as law, since it enjoys the sanction of custom, and probably also of tradition[4]. Written laws appear always to have been considered extraordinary measures, and their enactment to have been entrusted to one individual invested with full authority for the purpose[5]. Officers and magistrates were considered personifications of right[6], and consequently decided according to their own feelings and judgment in all cases of which the law had not taken cognizance[7]. The deliberative power interposes only in behalf of public interests in those cases in which not law but the will of the community is called to decide. As new interests or temporary caprice gained greater influence over law and custom, occasions for the exercise of that power multiplied[8], and the organisation of the various governments of Greece resulted in many

particulars from the struggle between this and the executive for the exercise of the judicial power. Hence on the possession of this last, all supremacy depended[9]. In the earliest stages of society, when as yet no administration exists, we find both the judicial and executive functions united in the same person; in fact, a perfect separation of the executive from the judicial was never known among the Greeks[10]; the responsibility however of officers, where it existed, ensured the highest judicial power to the deliberative[11], and the possession of the latter eventually decided the character of the government[12].

1) Aristot. iv. 11. 1: *Ἔστι δὴ τρία μόρια τῶν πολιτειῶν πασῶν — ὧν ἐχόντων καλῶς ἀνάγκη τὴν πολιτείαν ἔχειν καλῶς καὶ τὰς πολιτείας διαφέρειν ἀλλήλων ἐν τῷ διαφέρειν ἕκαστον τούτων. Ἔστι δὲ τῶν τριῶν τούτων ἓν μέν τι τὸ βουλευόμενον περὶ τῶν κοινῶν· δεύτερον δὲ τὸ περὶ τὰς ἀρχάς, τοῦτο δ' ἐστὶν ἃς δεῖ καὶ τίνων εἶναι κυρίας καὶ ποίαν τινὰ δεῖ γίνεσθαι τὴν αἵρεσιν αὐτῶν· τρίτον δὲ τί τὸ δικάζον.* On which see Tittmann, §. 533, sqq.

2) According to Aristot. l. c., *κύριον δὲ ἐστὶ τὸ βουλευόμενον περὶ πολέμου καὶ εἰρήνης καὶ συμμαχίας καὶ διαλύσεως καὶ περὶ νόμων καὶ περὶ θανάτου καὶ φυγῆς καὶ ζημεύσεως καὶ τῶν εὐθυνῶν.* Conf. Cic. de Rep. i. 32. It would perhaps be more accurate to call it the "decretive," but I have preferred Aristotle's expression, on account of what remains to be said respecting it.

3) Demosth. Lept. §. 47. Hence Thucyd. iii. 37: *χείροσι νόμοις ἀκινήτοις χρωμένη πόλις κρείσσων ἐστὶν, ἢ καλῶς ἔχουσιν ἀκύροις.* But compare Aristot. Polit. ii. 5. 10, and the saying of Zaleucus: *ὑπ' ἀνθρώπων μὲν ἠττᾶσθαι τοὺς κειμένους νόμους οὐ καλὸν οὐδὲ συμφέρον, ὑπὸ δὲ νόμου βελτίονος ἠττᾶσθαι κατακρινόμενον καλόν*: Stob. Serm. xlii. p. 280, coll. Diod. xii. 16.

4) Aristot. Polit. iii. 11. 6: *ἔτι κυριώτεροι καὶ περὶ κυριωτέρων τῶν κατὰ γράμματα νόμων οἱ κατὰ τὰ ἔθη εἰσίν.* Hence we hear of *ἄγραφοι νόμοι*, see Thucyd. ii. 37; Plat. de Legg. vii. p. 793. A.; Cic. de Inv. ii. 22; iv. 2; plur. ap. Ast, ad Plat. Remp. p. 591, sqq., and my Diss. de jure magg. p. 56. Comp. Weisse, l. c. p. 27: "Omnino sic tenendum est, eas, quas nos proprie leges dicimus, normas quippe constantes agendi libero arbitrio per potestatem civitatis propositas, tunc plane fuisse ignotas; eaque omnia quæ viderentur arbitraria, non nisi de singulis rebus singulis occasionibus fuisse disposita; ea vero quæ continerent regulam constantem, non ex arbitrio sed ex natura et consuetudine manasse."

5) On this subject at large, see Wachsm. i. 1. §. 197, sqq., and compare Chr. G. Richter, Spec. animadvv. de vett. legg. latt. ad J. A. Fabr. Bibl. gr. l. ii. c. 14, (Lips. 1786), and Weisse l. c. p. 103, sqq.

6) Compare Tittmann, §. 10; Weisse, l. c. p. 54, sqq.; Müller's Dorians, ii. p. 235. Hence *νόμος ἔμψυχος ὁ βασιλεύς*, see Krabinger on Sy-

nesius, p. 176, also Cic. de Legg. iii. 1: *vere dici magistratum esse legem loquentem, legem autem mutum magistratum.*

7) Aristot. Polit. iii. 11. 4: *τὰ λοιπὰ τῇ δικαιοτάτῃ γνώμῃ κρίνειν καὶ διοικεῖν τοὺς ἄρχοντας*; comp. iii. 6, 13, and 11. 7; also, in particular, the judges' oath, given by F. A. Wolf ad Demosth. Leptin. p. 339; Matthiæ Miscell. Philoll. i. 3. p. 256. Hence Lysias even (ap. Stob. Serm. xliv.): *τὴν αὐτὴν γνώμην ἔχειν δικάζοντας ἄξιον ἥνπερ νομοθετοῦντας*; Lycurg. adv. Leocr. c. 3. and Plat. de Legg. xi. p. 934. B.

8) Whether it were for the promotion of individual interests, or for the protection of the public against the ambitious aims of individuals.

9) The case consequently appears most uncommon, and in the highest degree anomalous, in which *τὰ δικαστήρια μὴ ἐκ τοῦ πολιτεύματός ἐστιν*, Aristot. Polit. v. 5. 5; since *ὅσαι ἀρχαὶ κύριαι τῆς πολιτείας, ταύτας τοῖς ἐκ τῆς πολιτείας ἐγχειρίζειν μόνοις ἢ πλείοσι*, v. 7. 13.

10) Plat. de Legg. vi. p. 767. A.; comp. Diss. de jure magg. p. 54, sqq.

11) For the important reason given Aristot. Polit. iv. 4. 7: *δεῖ γὰρ τὸν μὲν νόμον ἄρχειν πάντων, τῶν δὲ καθ' ἕκαστα τὰς ἀρχὰς, τὴν δὲ πολιτείαν κρίνειν*: comp. iv. 11. 1. For a detailed account of the *εὐθύνη*, see Wachsm. i. 1. §. 192.

12) *Τὸ βουλευτικὸν κύριον τῆς πολιτείας*, Aristot. iv. 12. 1. and vi. init.

§. 54. In the primitive monarchy, the sovereignty is as yet completely in the hands of the executive[1], and hence coincides with a tyranny, with this distinction only, that the latter, strictly speaking, uniting in itself all the three forms of power, does not, as the monarchy, admit an established council as its rightful colleague in the government[2]. An aristocracy, standing midway between a monarchy and an oligarchy, approximates more closely to the one or to the other, in proportion as it allows a greater or less influence to the voice of the commonalty. The transitions of the oligarchical form again are decided by the influence of the deliberative power, whose privileges, perpetually growing more extensive through the various degrees of democracy, prevail at last to the destruction of the independence of all state dignitaries[3]. In a democracy the deliberative power resides in the general assembly; in an oligarchy, in the council, which is not to be confounded with the *βουλὴ* of the democracy, this latter

being nothing more than a committee of the mob[4]. The peculiar principles on which this council may be constituted, the relations it may bear to the two other powers, the share it may have in appointing the representatives of these, and the mode of appointment, whether by lot or election, for a longer or a shorter period, with more extensive or more limited powers, all serve further to mark the differences between modified or absolute constitutions of each description, of which combinations are thus formed in almost endless variety[5]. Of these, however, history affords us but a few solitary and defective specimens[6]; so that we must here confine ourselves to the six fundamental forms[7] before mentioned.

1) Hence the kings were properly *ἀνυπεύθυνοι*, see Phavor. s. v. *βασιλεία*; comp. Plat. de Legg. vi. p. 761. E.

2) Dionys. Hal. ii. 12: *τοῖς γὰρ βασιλεῦσιν, ὅσοι τε πατρίους ἀρχὰς παραλάβοιεν, καὶ ὅσους ἡ πληθὺς αὐτὴ καταστήσαιτο ἡγέμονας, βουλευτήριον ἦν ἐκ τῶν κρατίστων — καὶ οὐχ ὥσπερ ἐν τοῖς καθ' ἡμᾶς χρόνοις αὐθάδεις καὶ μονογνώμονες ἦσαν αἱ τῶν ἀρχαίων βασιλέων δυναστεῖαι.*

3) Aristot. Polit. iv. 4. 6; 11. 5; vi. 1. 8. On this subject at large, compare my Dissertatio Quæstionum de jure et auctoritate magistratuum apud Athenienses, (Heidelb. 1829). We must not here overlook the written codes of law which put an end to the *αὐτοτελῶς δικάζειν* of the public officers (de jure magg. pp. 60, 61). Weisse, p. 58 and 144: *Graeci leges scriptas semper habuerunt pro palladio democratiæ.* Conf. Eurip. Suppl. v. 449, sqq.; Æschin. adv. Ctesiph. c. 2. Hence the laws at Athens: *ἀγράφῳ νόμῳ τὰς ἀρχὰς μὴ χρῆσθαι μηδὲ περὶ ἑνός*, Andoc. de Myster. §. 85.

4) As, for instance, Tittm. has done (§. 536, sqq.) Aristot. Polit. vi. 5. 13: *τριῶν δ' οὐσῶν ἀρχῶν, ἃς αἱροῦνταί τινες ἀρχὰς τὰς κυρίους, νομοφυλάκων, προβούλων, βουλῆς, οἱ μὲν νομοφύλακες ἀριστοκρατικὸν, ὀλιγαρχικὸν δ' οἱ πρόβουλοι, βουλὴ δὲ δημοτικόν.* Comp. iv. 12. 8; vi. 5. 10, and on the *πρόβουλοι* in particular, iv. 11. 9. Strictly speaking, only members of the gerusia held their office for life; but we meet with *πρόβουλοι* for life, Plut. Qu. Gr. c. 4. Compare also Thucyd. viii. 1; Lysias adv. Eratosth. c. 65; Aristot. Rhetor. iii. 18. 5; Harpocr. p. 278. Who, however, were the *συγκλητοὶ* whom Aristot. (Polit. iii. 1. 7) mentions in contradistinction to the *δῆμος* and ecclesia, and Wachsm. (iii. 1. §. 188) makes to have constituted with the *πρόβουλοι* a kind of popular representative body in oligarchical states? See also Heeren's Res. Greece, p. 147, sqq.; Hüllmann's Staatsr. §. 327—329; and on the senate in particular, Kortüm §. 8. 9. In absolute democracies even this assembly disappears, Aristot. Polit. iv. 12. 9; vi. 1. 9.

5) Aristot. Polit. iv. 11—13; vi. 1, sqq.

6) Besides the learned collection of matter in Tittm. §. 335—518, see on this point the tables appended to Kortüm's Staatsverf., and those in Poppo's Status Græciæ civ. et mil. p. 48—56, 93—97; also Heeren's Res. Greece, p. 136, sqq.; Hüllmann, §. 285—289; and especially Wachsm. i. 1. §. 186—196; also Pastoret, Hist. de la Législ. tt. viii. ix. (Paris, 1827).

7) Polyb. vi. 9, 10: *Αὕτη πολιτειῶν ἀνακύκλωσις, αὕτη φύσεως οἰκονομία, καθ' ἣν μεταβάλλει καὶ μεθίσταται καὶ πάλιν εἰς αὐτὰ καταντᾷ τὰ κατὰ τὰς πολιτείας, κ. τ. λ.* Aristotle (Polit. iii. 10. 7) enumerates them more correctly, in the order of their successive development, thus: Monarchy, Aristocracy, Politeia, Oligarchy, Tyranny, Democracy.

§. 55. That hereditary monarchy in the sense just explained was the most ancient form of government in Greece, is the unanimous opinion of all writers [1]. We discover it in the early times depicted by Homer, which, possessing no feature of orientalism, must be considered as the commencement of the purely Hellenic social and political life [2]. Homer's kings are no Asiatic despots; as Zeus, the prince of his gods, is himself subject to the decrees of fate [3], so are they also to the idea of Right, whose dwelling is with the gods [4], from their connection with whom [5] they have inherited the knowledge of it [6]. On this alone are based the sanctity of their race and dignity, and the relation in which they stand to their subjects as judges, commanders, and intercessors with the gods in religious rites and sacrifices [7]. With this threefold character, the Homeric prince also combined the absolute exercise of such political power as the simplicity of those times required; the duty of the subject was either defined by compact [8] or voluntary. Reverence for the gods [9] and for the popular voice [10], which ever and anon caused itself to be heard [11], were effectual for restraining them from despotism and injustice. The general assemblies of the people, *ἀγοραὶ*, had hence no other object [12] than to ascertain or secure, upon any important occasion, the public voice [13]; but even such assemblies were, generally speaking, uncommon and

extraordinary; it must not be imagined that the commons had any legal authority; they were summoned only to hear, not to decide—even the right of giving counsel belonged only to a few select nobles, who formed the circle next around the monarch under the titles of princes, chiefs, or elders [15].

1) Thucyd. i. 13; Aristot. Polit. iii. 9. 7; Dionys. Hal. v. 74: *κατ' ἀρχὰς μὲν γὰρ ἅπασα πόλις Ἑλληνικὴ ἐβασιλεύετο, πλὴν οὐχ ὥσπερ τὰ βαρβαρικὰ ἔθνη δεσποτικῶς, ἀλλὰ κατὰ νόμους τε καὶ ἐθισμοὺς πατρίους, καὶ κράτιστος ἦν βασιλεὺς ὁ δικαιότατος καὶ νομικώτατος καὶ μηδὲν ἐκδιαιτώμενος τῶν πατρίων. Δηλοῖ δὲ καὶ Ὅμηρος, δικασπόλους τε καλῶν τοὺς βασιλεῖς καὶ θεμιστοπόλους. Μοναρχία βασιλεία*, see Polyb. vi. 4. 1. 6. 12; Eustath. ad Iliad A'. (p. 23. l. 9. ed. Lips.)

2) On this subject at large, compare Eberh. Feith's Antiq. Homericarum, l. iv. p. 143, sqq.; Montesquieu de l'Esprit des Loix, xi. 11; A. Y. Goguet de l'origine des loix, des arts et des sciences chez les anciens peuples (Paris, 1778) t. iii. p. 101, sqq.; Levesque sur les mœurs et les usages des Grecs du tems d'Homère, in Mém. de l'Inst. Sc. Mor. et Pol. t. ii. p. 38—67; Heeren's Res. Greece, p. 71, sqq.; Ed. Platner, Notiones juris et justitiæ ex Homeri et Hesiodi carminibus explicitæ, (Marb. 1819,) particularly p. 84, sqq.; Tittmann, §. 56—80; Weisse l. c. p. 85—103; Wachsm. i. 1. §. 81—92; ii. 1. §. 5—8; and F. Terpstra, Antiquitas Homerica, (Lugd. Bat. 1831).

3) Wachsmuth, i. 1. §. 88. n. 11.

4) See Sophocl. Œd. Col. 1381; Aristoph. Nubb. 904; and a further account in Luzac. lectt. Att. p. 187; Jambl. Vit. Pythag. §. 46: *τὴν αὐτὴν τάξιν ἔχειν παρὰ τῷ Διὶ τὴν Θέμιν καὶ παρὰ τῷ Πλούτωνι τὴν Δίκην καὶ κατὰ τὰς πόλεις τὸν νόμον.* Compare Steph. Pighii Themis Dea, s. de lege divina (in Gron. Thes. t. ix.); Jo. Fr. Hombergii Themis, s. de ortu legis æternæ sec. sententiam Græcorum, (Marb. 1725); Bouterweck de Justitia fabulosa ad rationem Tragœdiarum græcarum philosophicam et politicam pertinente, in Comm. Soc. Reg. Gott. a. 1811—13, vol. ii.; Platner, l. c. p. 66—83; Creuzer's Symbol. u. Mythol. ii. §. 498, sqq.; Wachsm. ii. 1. §. 154, sqq.

5) *Ἐκ δὲ Διὸς βασιλῆες*, comp. Spanheim ad Callim. H. in Jov. v. 79; Davis. ad Max. Tyr. vi. 1. p. 84. ed. Reisk.

6) As well as the emblem of judicial power, (Il. i. 237,) the *σκῆπτρον*, Il. ii. 101—108.

7) Aristot. l. c.: *κύριοι δ' ἦσαν τῆς τε κατὰ πόλεμον ἡγεμονίας καὶ τῶν θυσιῶν, ὅσαι μὴ ἱερατικαὶ, καὶ πρὸς τούτοις τὰς δίκας ἔκρινον· τοῦτο δ' ἐποίουν οἱ μὲν οὐκ ὀμνύοντες, οἱ δ' ὀμνύοντες, ὁ δὲ ὅρκος ἦν τοῦ σκήπτρου ἐπανάτασις.* Are we however, with Weisse, pp. 74 and 96, to consider the military command to have been their original office?

8) *Ῥητὰ γέρα*, Thucyd. i. 13; conf. Diogen. L. i. 53; Schol. Aristoph. Acharn. v. 61; Xenoph. Cyr. i. 3. 18. *Τεμένη, Domains*, Eustath. ad Odyss. vi. 293; conf. Tittmann, §. 73; Weisse, p. 97; Wachsm. i. 1. §. 85.

9) See, in particular, Hesiod. E. κ. H. v. 250, sqq. ed. Spohn.

10) Χαλεπὴ δήμου φῆμις, Odyss. xiv. 239.

11) See the instance in Odyss. xvi. 425. Particularly by stoning, Weisse, p. 137; Wachsm. ii. 1. §. 437, 438.

12) Against Platner (§. 108) and Tittm. (§. 61, sqq.), see Weisse, l. c. p. 87, sqq., and Müller's Dorians, vol. ii. p. 6.

13) Weisse, p. 96: "Omnino sic tenendum est, omnibus in rebus, quæ publice peragebantur (peragebantur autem omnia quæ ad civitatem pertinerent) summi fuisse momenti unanimam populi voluntatem diserte declaratam, cui resistere principes neque poterant neque fas habebant; sicubi vero populus in diversas abiret sententias, tum non, quæ esset majoris partis sententia, artificio fuisse indagatum, sed ipsos principes, quid faciendum esset, decrevisse." The only mode of voting was by acclammation, see Iliad, ii. 333, even at trials, ibid. xviii. 502.

14) Aristot. Eth. Nic. iii. 3. 18: οἱ γὰρ βασιλεῖς, ἃ προέλοιντο, ἀνήγγελλον τῷ δήμῳ. If a factious voice arose, like that of Thersites, it was at once silenced by vigorous measures (Iliad. ii. 211—277); comp. Wachsm. i. 1. §. 90.

15) Iliad. ii. 53: βουλὴ δὲ πρῶτον μεγαθύμων ἶζε γερόντων: conf. v. 79: ἡγήτορες ἠδὲ μέδοντες, as in Odyss. viii. 11. Vide plur. ap. Tittm. §. 79.

§. 56. As the royal families became extinct or degenerate, the supreme power passed into the hands of these chiefs, and hence exchanged the characteristics of monarchy for those of aristocracy[1]. The first traces of this change are also discovered in Homer[2] in those instances in which a state has several kings[3], among whom the actual ruler stands only as the first among equals[4], and the right of hereditary succession is no otherwise established than by a common understanding[5]. The rise of aristocracy may in fact be dated from the first moment in which the responsibility of kings was maintained[6]. What gave rise in several instances to this decisive step, was frequently the fault of the sovereign himself[7]; when, for example, on the occurrence of a disputed succession, the support of the nobles was purchased by a renunciation of rights; partly when he abused his power to oppose the supremacy of long established customs, and roused the voice of an indignant public against himself[8]. Few were so fortunate as to maintain for

any length of time an unshackled despotism, like Pheidon of Argos[9]; the greater number were compelled to content themselves with the first place in an aristocracy; in many cases the sacerdotal offices alone was left them, and the name of king was lowered to that of archon, or prytanis[11].

1) Wachsmuth, i. 1. §. 143, et sqq.

2) Particularly in the Odyssey; comp. Weisse, l. c. p. 83; Wachsm. i. 1. §. 92.

3) As among the Phæaces, Odyss. viii. 390; and in Eleusis, Hymn. in Cer. v. 474, sqq., and elsewhere. See Tittm. §. 66 and 78.

4) Βασιλεύτατος, Il. ix. 69.

5) Odyss. i. 386—402. Comp. Tittm. §. 75.

6) In Cuma, Plut. Qu. Gr. c. 2; Medon, in Athens, Pausan. iv. 5. 4. From that time especially the distinction between *βασιλεὺς* and *τύραννος* lay in the being *ὑπεύθυνος*, or not. Comp. Periz. ad Æl. Var. Hist. ii. 20; especially, Aristot. Polit. iv. 8. 3; Platon. Epist. viii. p. 355. E.; and de Legg. ix. p. 875. B.; also Plut. de Monarchia, etc. c. 3. t. xii. p. 205.

7) Aristot. Polit. v. 8. 22; conf. Plat. de Legg. iii. p. 683. E.: *βασιλεία δὲ καταλύεται ἢ καί τις ἀρχὴ πώποτε κατελύθη μῶν ὑπὸ τινῶν ἄλλων ἢ σφῶν αὐτῶν;*

8) Plat. de Legg. iii. p. 691. A.; Polyb. vi. 4. 8; 7. 3—8. 2; Dionys. Hal. v. 74.

9) Aristot. Polit. v. 8. 3, 4; comp. above, §. 33.

10) Aristot. iii. 9. 8: *ὕστερον δὲ τὰ μὲν αὐτῶν παριέντων τῶν βασιλέων, τὰ δὲ τῶν ὄχλων παραιρουμένων, ἐν μὲν ταῖς ἄλλαις πόλεσι θυσίαι κατελείφθησαν τοῖς βασιλεῦσι μόναι, ὅπου δ' ἄξιον εἰπεῖν εἶναι βασιλείαν, ἐν τοῖς ὑπερορίοις τῶν πολεμικῶν τὴν ἡγεμονίαν μόνον εἶχον.* On the sacerdotal duties of the kings, see Diotogenes ap. Stob. Serm. xlvi. p. 329, 330; Serv. ad Virgil. Æn. iii. 80: *Majorum hæc erat consuetudo, ut rex esset etiam sacerdos et pontifex;* and Tittm. §. 82—84, whose strictures on the subject, I must remark by the way, are very unseasonable; also Wachsm. ii. 2. §. 114. So likewise at Ephesus, (Strab. xiv. 938. B.), in Scepsis, (xiii. 904. C.), and elsewhere.

11) Aristot. Polit. vi. 5. 11; comp. Wachsm. i. 1. §. 193, 194; and, on the name and importance of the Prytanes in general, Morisani, Inscr. Reginæ Diss. vi. p. 266; Ez. Spanheim de Vesta et Prytanibus Græcorum, in Græv. Thes. Antiq. Roman. T. v.; Van Dale Diss. Antt. et Marmor. Illustr. p. 389. sqq.; Blanchard sur l'origine et sur les fonctions des Prytanes, in Hist. de l'Acad. des Inscr. t. vii. p. 57, sqq.; Periz. ad Æl. Var. Hist. ix. 39; Schneider ad Aristot. Polit. p. 304; Hüllmann's Anf. der Gr. Gesch. §. 237, sqq.; Staatsr. d. Alterth. §. 289; Tittm. §. 423. Aristotle (Polit. v. 4, 5,) shows that they possessed power sufficient to admit of abuses.

§. 57. The assertion[1] that on the fall of the kings, the supreme power passed into the hands of the military class of the nation, and at first at least, into those of the knights, implies the two main principles which the aristocracy displays to us in history, viz. the *wealth* which subsequently became an essential qualification of the knights and heavy armed infantry[2], and *individual superiority*, ἀρετὴ[3], a term then indiscriminately applied to denote either civil or military excellence. That both, however, were considered inseparable from noble birth[4] was a settled principle in the notions and relations existing in those early times, when as yet there was no property but that of hereditary lands, and personal prowess seemed rather connected with descent, than the effect of art or discipline[5]. Even what in those early times was called education, παιδεία, merely consisted in skill in the use of weapons, and a certain ready oratory; these could be the exclusive property only of the nobles who led a life of knightly ease on the produce of their estates, whilst their tenants, the agricultural population, had as little leisure for such pursuits as for politics; and hence this education came to be considered not merely the attendant, but the characteristic, feature of an aristocracy[6].

1) Aristot. Polit. iv. 10. 10; conf. Weisse, l. c. p. 100, sqq.

2) Ibid. vi. 4. 3, 4; coll. iv. 3. 2: ἐπὶ τῶν ἀρχαίων χρόνων ὅσαις πόλεσιν ἐν τοῖς ἵπποις ἡ δύναμις ἦν, ὀλιγαρχίαι παρὰ τούτοις ἦσαν. Wachsm. i. 1. §. 155; and on the ἱπποτροφία, (ὃ τῶν εὐδαιμονεστάτων ἔργον ἐστὶ, φαῦλος δ' οὐδεὶς ἂν ποιήσειε, Isocr. de Bigis. p. 842.) L. Bos. Obss. Misc. c. xii. p. 62; and Spanheim ad Aristoph. Nubb. v. 13. Such were the Hippobotæ of Chalcis, Herod. v. 77.

3) Aristot. iv. 5. 11: ὅπου ἡ πολιτεία βλέπει εἰς πλοῦτον καὶ ἀρετὴν καὶ δῆμον, ἀριστοκρατία ἐστίν. He mentions ἀρετὴ alone; iii. 11. 11; iv. 6. 4.

4) Aristot. iv. 6. 5: ἡ γὰρ εὐγένειά ἐστιν ἀρχαῖος πλοῦτος καὶ ἀρετή. Comp. v. 1. 3. On the Greek notions of nobility, see Aristot. Rhet. ii. 16; Stob. Serm. lxxxvi.; and especially the Fragm. of Aristot. and Plut. περὶ εὐγενείας. Comp. also Floret, Rech. Hist. sur cette question: la noblesse

chez les Grecs formoit-elle dans l'état un corps de citoyens distinct et separé? in the Mém. de Toulouse, t. iv. p. 125, sqq.; and Welcker's Prolegg. ad Theogn. p. lix., sqq. For the pride of ancestry, (ἕπτα πάππους,) common in Athens, Plat. Theæt. p. 174. E.; comp. Welcker, l. c. p. li.; Meinek. ad. Menandr. p. 191.

5) It was the unanimous opinion of all antiquity, (nor should Tittmann (§. 632,) have questioned it,) that this excellence, no less than the expression of the countenance and other bodily features betokening it, was hereditary, (*σωμάτων ὥρα μελλούσης ἀρετῆς ἄνθος καὶ οἱονεὶ προοίμιον*, Max. Tyr. xxv. 2; conf. Lucret v. 1111, et plur. ap. Ruhnk. ad Vell. Paterc. ii. 69;) Platon. Menex. p. 237. A.: *ἀγαθοὶ δὲ ἐγένοντο διὰ τὸ φῦναι ἐξ ἀγαθῶν· τὴν εὐγενείαν οὖν πρῶτον αὐτῶν ἐγκωμιάζωμεν.* Cratyl. p. 394. A.: *ἔσται γάρ που ἐκ βασιλέως βασιλεὺς καὶ ἐξ ἀγαθοῦ ἀγαθὸς καὶ ἐκ καλοῦ καλὸς, καὶ τἆλλα πάντα οὕτως, ἐξ ἑκάστου γένους ἕτερον τοιοῦτον ἔκγονον, ἐὰν μὴ τέρας γίγνηται.* Republ. iii. p. 415. A.; Aristot. Rhetor. i. 9. 33: *εἰκὸς γὰρ ἐξ ἀγαθῶν ἀγαθὸν καὶ τὸν οὕτω τραφέντα οὕτω εἶναι.* Polit. i. 2. 19; iii. 7. 7; Anaxim. Rhetor. (ad Alexandr.) xxxv. 4. Comp. Drumann's Verfall, §. 530; Luzac. Lectt. Att. p. 88; the commentators on Plat. Phædr. p. 246. B.; Theogn. v. 845. ed. Welcker, (v. 537. ed. vulg.) and his Prolegg. p. liv.

6) Aristot. Polit. iv. 6. 2: *ἀριστοκρατίας, διὰ τὸ μᾶλλον ἀκολουθεῖν παιδείαν καὶ εὐγένειαν τοῖς εὐπορωτέροις*, conf. iv. 4. 1; 10. 1; 12. 7; Rhetor. i. 8. 4.

§. 58. It is only by referring to these narrow views and relations of society, that we perceive how the expression "the government of the best," employed in later times by philosophers in developing their ideal systems of government[1], historically designates an oligarchy of certain families privileged by birth[2]. For when, even in an aristocracy, agreeably to the principles just laid down, the public interest was impartially studied[3], and the offices filled by elections of the most talented[4], in which the whole people sometimes took part[5], still an active share in the administration, and eligibility to office, were confined to the narrow circle of families, who were already distinguished by names which marked them out as the only real and substantial citizens[6], all others being regarded as base and incapable[7]. Perfect equality, however, existed within the several orders of the state, and each, in its narrow sphere, presented the features of a democracy[8], in which a majority of

voices was decisive[9], and the influence of any single individual, or body of individuals, was opposed with as much care and spirit as in great democracies[10], in order to prevent the rise of a tyranny or establishment of a dynasty[11]; results of interested measures or corrupt ambition, by no means unheard of in the history of aristocracies[12]. Union among themselves was above all things necessary to their existence, and even the private feuds of ruling families assuming a political character often entailed the ruin of the government[13].

1) See Plat. de Republ. iv. p. 445. E.; viii. p. 545. D.; Aristot. Polit. iv. 5. 10, 11; Xen. Mem. Socr. iv. 6. 12; Plat. Menex. p. 238. C.; de Legg. iii. p. 681. D.; Diogen. L. viii. 3. Even in Aristotle the terms are often interchanged; although F. Eggo's censure (§. 104,) on that account is too severe. Comp. on this subject at large, Göttling's Discourse "de Aristocratia veterum," in Actt. Acad. Jenens. vol. i. p. 465, sqq.; and Hüllmann, §. 111, sqq., who designates aristocracy in its historical sense by the fictitious term genocracy. See also Luzac de Socr. cive, p. 63—74, who is wrong however in denying that the word *ἀριστοκρατία* was not used in its common sense before the time of Aristotle, as is clear from Plat. Rep. i. p. 338. D.

2) Wachsm. i. 1. §. 149, sqq.

3) Polyb. vi. 8. 3; Cic. de Republ. i. 42: *est enim quasi regium id est patrium consilium populo bene consulentium principum.*

4) *Μὴ μόνον πλουτίνδην, ἀλλὰ καὶ ἀριστίνδην*, Aristot. Polit. iv. 5. 10; conf. ii. 8. 5; Polyb. vi. 4, 3; and on *ἀριστίνδην*, Ruhnk. ad Tim. p. 49; Wytt. ad Plut. Morr. p. 957, with the commentaries on Longin. p. 298. Wsk. Sometimes, however, it denotes nothing more than rank by birth.

5) Aristot. iv. 12. 13: *τὸ ἐκ τίνων αἱρέσει πάντας ἀριστοκρατικόν.* Comp. also c. 11. 7.

6) *Πολῖται μᾶλλον οἱ γενναιότεροι τῶν ἀγεννῶν*, ibid. iii. 7. 7.

7) According to the phraseology of all antiquity, the nobles were called *γνώριμοι, καλοὶ κἀγαθοί, γενναῖοι, ἐσθλοί, βέλτιστοι, ἐπιεικεῖς, κ. τ. λ.*; the common people, *δειλοί, κακοί, πονηροί*. See Aristot. iv. 6. 2, et plur. ap. Des. Herald. Obss. ad Jus. A. et R. p. 252—255; Kortüm, §. 14, sqq.; Welcker, l. c. p. xx. sqq.; Wachsm. i. 2. §. 439—441. Hence too *ἀριστοκρατία* came to be used euphemistically for *ὀλιγαρχία*; comp. Thucyd. iii. 82; Xenoph. Hellen. v. 2. 7.

8) Aristot. Polit. v. 7. 4: *ἔστι γὰρ ὥσπερ δῆμος ἤδη οἱ ὅμοιοι· διὸ καὶ ἐν τούτοις ἐγγίγνονται δημαγωγοὶ πολλάκις*: comp. v. 5. 4; vi. 4. 6.

9) Ibid. iv. 6. 4: *ἀριστοκρατίας μὲν γὰρ ὅρος ἀρετή, ὀλιγαρχίας δὲ πλοῦτος, δήμου δ' ἐλευθερία· τὸ δὲ ὅ τι ἂν ᾖ ἔχῃ τοῖς πλείοσιν ἐν πάσαις ὑπάρχει· ——ὅ τι ἂν ᾖ ἔχῃ τῷ πλείονι μέρει τῶν μετεχόντων τῆς πολιτείας, τοῦτ' ἐστὶ κύριον.* Comp. iv. 3. 6.

10) Ibid. v. 5. 2. and 8: *καταλύονται δὲ καὶ ὅταν ἐν τῇ ὀλιγαρχίᾳ ἑτέραν ὀλιγαρχίαν ἐμποιῶσι, κ. τ. λ.*; coll. 7. 3: *ὃ γὰρ ἐπὶ τοῦ πλήθους ζητοῦσιν οἱ δημοτικοί, τὸ ἴσον, τοῦτ' ἐπὶ τῶν ὁμοίων οὐ μόνον δίκαιον ἀλλὰ καὶ συμφέρον ἐστίν.* Comp. Anaxim. Rhetor. ii. 9; Isocr. Nicocl. p. 66; Demosth. adv. Leptin. §. 89; also Schleiermacher, ut sup. §. 22.

11) The name given to a tyranny of several persons, which is directly contrasted by Thucyd. (iii. 62,) with *ὀλιγαρχία ἰσόνομος*. Comp. iv. 78; Andoc. de reditu, c. 27. (on the Thirty in Athens, see Wachsm. i. 2. §. 246. n. 13.); Xenoph. Hellen. v. 4. 46; Isocr. Paneg. c. 30; Aristot. Polit. iv. 5. 1; v. 2. 4; 5. 9. Kortüm, §. 19; Tittmann, §. 365.

12) Aristot. Polit. v. 1. 4: *ὅτε δὲ οὐ πρὸς τὴν κατεστηκυῖαν πολιτείαν (στασιάζουσι)—δι' αὐτῶν δ' εἶναι βούλονται ταύτην, οἷον ὀλιγαρχίαν ἢ μοναρχίαν.* Comp. Thucyd. viii. 89: *πάντες γὰρ αὐθήμερον ἀξιοῦσιν, οὐχ ὅπως ἴσοι, ἀλλὰ καὶ πολὺ πρῶτος αὐτὸς ἕκαστος εἶναι.*

13) Aristot. Polit. v. 3. 2; 7. 5.

§. 59. But all this the aristocratic only suffers in common with the oligarchic form; nay, it seldom befalls it before it has degenerated into the latter. The most usual and influential cause which Aristotle[1] assigns as destructive of the aristocracy, is this very degeneracy into oligarchy. When distinguished families, ceasing to regard law and usage and the common good[2], studied their private interest, the people also were compelled to look to their own concerns. A division of the state, such as this, into two hostile factions, or rather into distinct communities, of the oppressors and the oppressed[3], even in those districts which had never submitted to a foreign yoke, nor received an influx of conquerors for inhabitants, would necessarily result from a condition of society in which the noble families, in order to preserve their purity of descent, the sole basis it was deemed of their rights[4], refused to form alliances except with each other, nay, would even prefer a connection with foreign nobles than with inferiors among their own countrymen. By the prevalence of this spirit, one of the most important common rights, and, according to Greek notions, the characteristic of fellow citizenship, the jus connubii, *ἐπιγαμία*[5], was extinguished. Notwithstand-

ing this, the plebeian being left in possession of his own estate, the distinguished families of his country, in whom he beheld the descendants of the kings and heroes of the mythical times, were still begirt with a kind of sanctity; and when at last this was eclipsed by the more substantial splendour of wealth[7], the hereditary oligarchy became in many cases a timocracy bordering close on a democracy, inasmuch as access to the highest offices and power was granted to every one who could raise his income (*τίμημα*, census,) to a par with that of his rulers[8].

1) Aristot. Polit. v. 6.

2) Ibid. §. 3: *Διὰ τὴν ἐν αὐτῇ τῇ πολιτείᾳ τοῦ δικαίου παράβασιν*, comp. iii. 10. 8: *ἐπεὶ δὲ χείρους γιγνόμενοι ἐχρηματίζοντο ἀπὸ τῶν κοινῶν, ἐντεῦθέν ποθεν εὔλογον γενέσθαι τὰς ὀλιγαρχίας.* Polyb. vi. 8. 4; Wachsm. ii. 1. §. 9, 10.

3) Isocr. Paneg. c. 30:—*ἔτι δὲ κοινῆς τῆς πατρίδος οὔσης τοὺς μὲν τυραννεῖν, τοὺς δὲ μετοικεῖν, καὶ φύσει πολίτας ὄντας νόμῳ μὴ μετέχειν πολιτείας, κ. τ. λ.* Conf. Plat. Republ. viii. p. 551. D.: *μὴ μίαν ἀλλὰ δύο ἀνάγκη εἶναι τὴν τοιαύτην πόλιν, τὴν μὲν πενήτων, τὴν δὲ πλουσίων, κ. τ. λ.*, and Aristot. Polit. iv. 9. 6.

4) As, for instance, the Bacchiadæ in Corinth, Herod. v. 92; comp. Tittm. §. 361; and Theogn. v. 183, sqq. (ap. Welcker, v. 1, sqq.)

5) Aristot. Polit. iii. 5. 12. and 14.

6) See Feodor Eggo Untergang der Naturstaaten, §. 108. and 115. Hence came the patronymic titles of many of these ruling families; comp. Wachsm. i. 1. §. 150, sqq., and 174, sqq.

7) Wealth became the prominent and characteristic feature of oligarchy. Rights and honours were enjoyed *πλουτίνδην, σχεδὸν γάρ*, says Aristotle, Polit. iv. 6, 4, *παρὰ τοῖς πλείστοις οἱ εὔποροι τῶν καλῶν κἀγαθῶν δοκοῦσι κατέχειν χώραν*: comp. also Lucret. v. 1112, sqq.; and Cic. de Republ. i. 34: *verum hunc optimum statum pravis hominum opinionibus eversum esse dicunt, qui ignoratione virtutis—opulentos homines et copiosos, tum genere nobili natos, esse optimos putant.* See Plat. Politic. p. 301. A.; Republ. viii. p. 550. C.; Aristot. Polit. ii. 8. 5; iv. 6. 4; vi. 1. 11. Comp. Wachsm. i. 1. §. 156. sqq. Hence though the *βάναυσος* might be a citizen, the *θής* never could, Aristot. Polit. iii. 3. 4.

8) For the various degrees of democracy, see Aristot. Polit. iv. 5. 1; and comp. Kortüm, §. 18. Between oligarchy and a politeia stood the timocracy, (*ἀπὸ τιμημάτων πολιτεία*; conf. Wessel. ad Diodor. xviii. 16; Hüllmann's Staatsr. §. 101—107; Delwarde, l. c. p. 225—228). Plato (Rep. l. c.) calls it oligarchy, understanding by timocracy (viii. p. 545. C.) the sovereignty of the ambitious, (*τοῦ φιλοτίμου*); Aristotle calls it *ὀλιγαρχία πολιτική*, Pol. iv. 11. 6; comp. vi. 4. 1; but in the Ethics (ad Nicom. viii. 10. 1) makes it a *πολιτεία*. See Tittm. §. 663, and my Diss. de jure magg. p. 10. Xenophon's *πλουτοκρατία* (Mem. Socr. iv. 6. 12) is synonymous.

§. 60. But very different, and far more oppressive still, must have been the social relations in those states, where foreign conquerors and their descendants had supplanted the legitimate owners of the soil[1]. Even though they might, in some instances, incorporate the native nobility with their own families[2], the common people sunk into an absolute dependence, which must have been the more keenly felt, since the vanquished in spite of the actual deterioration of their rights and property, were generally allowed to retain the name of freedom, and with it a perpetual memento of their pretensions to the rights and usages of the olden time. Under such circumstances there could be no idea of one common interest, since the lines of separation between the two parties were so strongly marked as to keep them ever apart as distinct nations, maintaining not unfrequently different laws and institutions. As to the dominant party, it in some instances retained within itself the ancient form of regal or hereditary power; but in others, a purely democratic form was early developed, resulting from the establishment of a complete oligarchy[3] to keep the conquered in awe. The victors possessed by right of conquest the whole landed property[4]; its original inhabitants sunk from the condition of free proprietors to that of copyhold tenants, or tilled the soil for daily hire[5]; legal and established rights made way for those of the stronger party, whose interest[6] became the sole standard of the public and private relations of the ruler and the ruled.

1) Müller's Orchomenos, §. 186.

2) See above, §. 15. n. 20; 18. n. 14.

3) Comp. Aristot. Polit. iv. 3. 8, on Apollonia and Thera.

4) Hence the name γεωμόροι, (i. e. κληροῦχοι, conf. Ruhnk. ad Tim. p. 67, sqq.; Wachsm. i. 1. §. 155;) see Ast. ad Plat. de Legg. p. 256; Platner's Beitr. zur Kenntniss des att. Rechts, §. 19. Is Kortüm (§. 101) correct in assuming that they were (in Samos) a merchant noblesse?

5) Πελάται, or θῆτες, vide supra, §. 19. n. 22; et plur. ap. Casaub. ad Athen. xii. p. 738; Ruhnk. ad Tim. p. 211; Fischer. ad Platon. Euthyphr. c. 4; Welcker ad Theogn. p. xix.

6) See above, §. 52. n. 6.

§. 61. It will easily be perceived that under the circumstances we have described, this state of things could only last till the Demos grew the strongest party, or had discovered the secret of its own power as the majority; this crisis, however, in may states was long delayed, in some it never arrived. The circumstances, which, independent of the respect naturally paid to hereditary rights and renown, and the preponderance of wealth and intelligence, made the oligarchical the stronger party[1], were the possession of the arms[2], castles, and fortresses[3], and of all the knowledge relative to the history, laws, and religious institutions of the land; superabundant resources of every kind; connections with other states; and lastly, a firm union among themselves, whilst the isolated people could not attain to any common spirit, nor ascertain its own powers. Hence those districts were particularly favourable to oligarchy, in which the nature of the localities rendered agriculture the chief occupation[4], binding the commoners to their farms, and dispersing them over the country in scattered villages and hamlets[5]; wherever, on the other hand, the barrenness of the soil, or peculiar advantages of situation[6] invited to trade or navigation[7], in the crowded emporium or rising city[8], those never failing resorts of the destitute wanderer[9], the struggle between the democratical and oligarchical principles would early commence[10]—a struggle, which, springing from the two conflicting effects of selfishness, the effort to gain, and the effort to preserve, soon leads, on the one hand, to a blind enthusiasm for every thing new, and, on the other, to as blind an attachment to every thing old[11].

1) Compare Aristot. Polit. iv. 10. 3: *ὅπου τὸ τῶν εὐπόρων καὶ γνωρίμων μᾶλλον ὑπερτείνει τῷ ποιῷ, ἢ λείπεται τῷ ποσῷ, ἐνταῦθα δὲ ὀλιγαρχίαν.*

2) Aristot. l. c. §. 7.

3) As the Eupatridæ in Athens, *οἱ αὐτὸ τὸ ἄστυ οἰκοῦντες*, Etymol. M. p. 395. 50. At a later period in Corcyra they were masters of all the neighbourhood of the *ἀγορά*, Thucyd. iii. 72.

4) Compare Drumann, §. 531; Wachsm. i. 1. §. 159, sqq. Aristot. Polit. vi. 2. 2: *καὶ γὰρ τὰς ἀρχαίας τυραννίδας ὑπέμενον καὶ τὰς ὀλιγαρχίας ὑπομένουσιν, ἐάν τις αὐτοὺς ἐργάζεσθαι μὴ κωλύῃ, κ. τ. λ.* Such for instance was the case in Elis, Polyb. iv. 73. 6; compare Kortüm. §. 96.

5) *Κατὰ κώμας* (*κωμηδὸν*, and *ἐθνηδὸν*, Schol. Pind. Ol. xi. 18; p. 242. ed. Boeckh.); comp. Thucyd. i. 10; Plut. Qu. Gr. c. 37, etc. Thence came *διοικισμοὶ εἰς κώμας*, see Xenoph. Hell. v. 2. 7; Demosth. de Falsa Legat. p. 366. 27; Diodor. xvi. 60; compare Aristot. Polit. v. 8. 7, and Meier de bonis damn. p. 185.

6) See Wachsmuth, ii. 1. §. 50.

7) *Ἡ ψιλὴ δύναμις καὶ ναυτικὴ δημοκρατικὴ πάμπαν*, Aristot. Polit. vi. 4. 3; conf. ibid. vii. 5. 3; Plat. de Legg. iv. p. 706. B.; Isocr. Panath. p. 608, sq.; and, respecting Athens, Aristot. Polit. v. 2. 12; *μᾶλλον δημοτικοὶ οἱ τὸν Πειραιᾶ οἰκοῦντες τῶν τὸ ἄστυ*: also v. 3. 5; Thucyd. viii. 73 (on the Paralii); and Plut. Vit. Them. c. 19: *τὴν πόλιν ἐξῆψε τοῦ Πειραιῶς καὶ τὴν γῆν τῆς θαλάττης· ὅ καὶ τὸν δῆμον ηὔξησε κατὰ τῶν ἀρίστων καὶ θράσους ἐνέπλησε, εἰς ναύτας καὶ κελευστὰς καὶ κυβερνήτας τῆς δυνάμεως ἀφικνουμένης.* The Athenians consequently were ever forward in enabling other towns to communicate with the coast by means of long walls, Thucyd. i. 103; v. 53 and 82. Compare Wachsm. ii. 1. §. 405, sqq., and on the subject at large, i. 1. §. 162.

8) *Συνοικισμὸς* or *συμπολισμὸς*, compare Hüllmann, Anf. §. 189, sqq.; Poppo ad Thucyd. i. 2. p. 13; Weisse, l. c. p. 131—136; Wachsm. i. 1. §. 100 and 160; Strab. viii. p. 519. The one was the *ἄστυ*, the other the *πόλις*? Wachsm. i. 1. §. 316.

9) Compare Aristot. Polit. vi. 2. 7: *ἔτι δὲ διὰ τὸ περὶ τὴν ἀγορὰν καὶ τὸ ἄστυ κυλίεσθαι πᾶν τὸ τοιοῦτον γένος* (*τό τε τῶν βαναύσων καὶ τὸ τῶν ἀγοραίων ἀνθρώπων καὶ τὸ θητικὸν*) *ῥᾳδίως ἐκκλησιάζει, κ. τ. λ.*

10) In the perpetual struggle between democracy and oligarchy, Tittm. (§. 366) pretends to discover a proof that the democratical is the natural form of all government.

11) Compare Feodor Eggo, §. 159, sqq. In history, Lacedæmon and Athens respectively personify these opposite forms; see, for instance, Thucyd. i. 70: *οἱ μέν γε νεωτεροποιοὶ καὶ ἐπινοῆσαι ὀξεῖς καὶ ἐπιτελέσαι ἔργῳ, ὅ τι ἂν γνῶσιν· ὑμεῖς δὲ τὰ ὑπάρχοντά τε σώζειν καὶ ἐπιγνῶναι μηδὲν, καὶ ἔργῳ οὐδὲ ἐξικέσθαι.* Is it however correct to assert the same of the Ionic and Doric races at large? Compare, on the one hand, Kortüm, §. 72; Hegewisch's Colonien d. Gr. §. 200, sqq.; Göttling in the Hermes, xxiii. §. 84, sqq.; and, on the other, Tittm. §. 550—553; and Wachsm. i. 1. §. 66, sqq., 2. §. 122, sqq.

§. 62. However common it might be for the victory in this struggle to remain with the Demos, the means

by which such result was effected were very different in different cases. In some instances it was a dangerous war, which detained the Oligarchs a considerable time from home, or reduced their numbers[1], or compelled them to arm the people, and purchase their aid by concessions[2]. Such would be the result even in agricultural districts, but in them only a timocracy, or some modified form of democracy took place of the oligarchy. Even if the Demos obtained the sovereign power, the avocations of its various employments rendered it impossible to decide every measure in a general assembly, and much was therefore necessarily left to magistrates chosen from the wealthier orders[3]; it was only in process of time that in these cases a Demagogy at last brought on an absolute Democracy[4]. Far more pernicious however to Oligarchy than these causes, was the moral degeneracy which followed an excess of power and wealth; whether it were that intolerable exactions at length exhausted the patience of the people, or that individual nobles themselves, impoverished by extravagance, or impelled by ambition, found in the Demos a ready tool for their vengeance or despair[5]. Rare indeed are the instances in which the people found among themselves a leader of influence or talent sufficient to concentrate and direct their scattered energies; it was usually some member of the Oligarchy itself who armed the Demos against his compeers, and by this union of intelligence and authority with physical strength, seldom failed to accomplish his object[6].

1) Aristot. Polit. v. 2. 8.

2) Ibid. v. 5. 9; Plat. Rep. viii. p. 551. E.

3) Ibid. iv. 5. 3: *ὅταν μὲν οὖν τὸ γεωργικὸν καὶ τὸ κεκτημένον μετρίαν οὐσίαν κύριον ᾖ τῆς πολιτείας, πολιτεύονται κατὰ νόμους, ἔχουσι γὰρ ἐργαζόμενοι ζῆν, οὐ δύνανται δὲ σχολάζειν· ὥστε τὸν νόμον ἐπιστήσαντες ἐκκλησιάζουσι τὰς ἀναγκαίας ἐκκλησίας.* Compare iv. 10. 2; vi. 2, 1, and 7; and Eur. Suppl. v. 435, sqq.

4) Ibid. v. 5. 5: *ὅταν τὸν ὄχλον δημαγωγῶσιν οἱ ἐν ὀλιγαρχίᾳ ὄντες — διὰ τὸ αἱρεῖσθαι αὐτοὺς, κ. τ. λ.*

5) Plat. de Republ. viii. p. 555. C.; Aristot. Polit. iii. 10. 8; v. 5. 6; 10. 6; Polyb. vi. 8. 5, sqq.

6) Aristot. v. 5. 1: *αἱ δὲ ὀλιγαρχίαι μεταβάλλουσι πρῶτον μὲν, ὅταν ἀδικῶσι τὸ πλῆθος· πᾶς γὰρ ἱκανὸς γίνεται προστάτης μάλιστα ἐὲ ὅταν ἐξ αὐτῆς συμβῇ τῆς ὀλιγαρχίας γίνεσθαι τὸν ἡγέμονα.*

§. 63. The Demos on such occasions usually extorted from the Oligarchy a division of lands, or a remission of debts[1], the right of intermarriage, and perfect legal equality; the executive and judicial powers, seized at first only in self-defence, became again[2] in new hands an engine of oppression; but no sooner had this motive and object become weakened by time and satiety, than the Demos sighed for that relief from public affairs, on which the prosperity of its own depended, and willingly permitted some individual to assume the reins of government, commonly the same who had placed himself at its head and led it to victory over the Oligarchy[3]. The whole course of ancient history shows that there is but one step between the demagogue and the tyrant. By the aid of those same powers and resources[4] supplied by the Demos for its protection against the Oligarchs, he established and secured his own unlimited sway, seized the citadel and public treasure, maintained a devoted body of guards (*δορύφοροι*[5]), and recognising no power to which he was amenable (*ἀνυπεύθυνος*), made his own good pleasure law[6]. The experiment was seldom resorted to by which an individual, elected under the title of Æsymnete[7], was invested with absolute power for an unlimited time[8], for the purpose of moderating and reconciling adverse factions[9]. For the commonalty was generally favourable to a tyranny which was more immediately directed against the rich and nobles[10], who commonly escaped persecution by voluntary exile—the tyrant

contenting himself with rendering the Demos independent of their masters, and inviolate in their own persons [11].

1) Plat. de Republ. viii. p. 566. A. Thus *χρεῶν ἀποκοπαὶ* and *γῆς ἀναδασμοὶ* very frequently occur together; comp. Ast. ad Plat. de Legg. p. 160. See the *παλιντοκία* in Megara, Plut. Qu. Gr. 18.

2) *Τὸ γὰρ πλῆθος*, as is very truly said, Rhetor. ad Alex. ii. 9, *οὐχ οὕτως ἀρχῶν ἀγανακτεῖ στερόμενον, ὡς ἔχει βαρέως ὑβριζόμενον.*

3) Plat. de Republ. viii. p. 564, sqq.: *τοῦτο μὲν ἄρα δῆλον, ὅτι, ὅταν περ φύηται τύραννος, ἐκ προστατικῆς ῥίζης καὶ οὐκ ἀλλοθεν ἐκβλαστάνει.* Conf. Herod. iii. 82; Aristot. Polit. iv. 9. 8; v. 4. 4, 5; v. 8. 2, 3; Cic. de Republ. i. 44.

4) Plat. l. c. p. 566. B.: *τὸ δὴ τυραννικὸν αἴτημα τὸ πολυθρύλητον . . . . αἰτεῖν τὸν δῆμον φύλακάς τινας τοῦ σώματος, ἵνα σῶς αὐτοῖς ᾖ ὁ τοῦ δήμου βοηθός.* Conf. Herod. i. 59.

5) Aristot. Polit. iii. 9. 4: *οἱ γὰρ πολῖται φυλάττουσιν ὅπλοις τοὺς βασιλεῖς, τοὺς δὲ τυράννους ξενικὸν· οἱ μὲν γὰρ κατὰ νόμον καὶ ἑκόντων, οἱ δ' ἀκόντων ἄρχουσιν· ὥσθ' οἱ μὲν παρὰ τῶν πολιτῶν, οἱ δ' ἐπὶ τοὺς πολίτας ἔχουσι τὴν φυλακήν.* Conf. Xenoph. Hieron. v. 3.

6) Eurip. Suppl. 445: *οὐδὲν τυράννου δυσμενέστερον πόλει, ὅπου τὸ μὲν πρῶτιστον οὐκ εἰσὶν νόμοι κοινοί, κρατεῖ δ' εἷς, τὸν νόμον κεκτημένος αὐτὸς παρ' αὑτῷ, καὶ τόδ' οὐκέτ' ἔστ' ἴσον.* Conf. Thucyd. i. 17; Xenoph. Mem. Socr. iv. 6. 12; Aristot. Polit. iii. 5. 4; iv. 8. 3; v. 8. 6; Stob. Serm. 149. p. 514. (Gesn.); Heeren's Res. Greece, p. 156, sqq.; Drumann's Diss. de tyrannis Græcorum, (Halis, 1812), and his Gesch. des Verf. d. griech. Staaten, §. 544—602; Ph. G. van Heusde Diatr. in civit. ant. p. 63, sqq.; Kortüm, §. 23—26; Tittm. §. 529, sqq.; Wachsm. i. 1. §. 279—291. On the history and etymology (*κοίρανος?*) of the name, see Jo. Fr. Eberti Diss. Siculæ, t. i. (Königsb. 1825) p. 1—64.

7) On this name (*αἶσα, justa portio*, q. d. *ἀπονεμητὴς τοῦ δικαίου*, whence in some places, in Cyme and Chalcedon for instance, it was the title borne by regular magistrates) see Neumann ad Aristot. Frgm. p. 122, 123; Ebert l. l. p. 17—24; Wachsm. i. 1. §. 200; and Tittmann, §. 76, 77.

8) Aristot. Polit. iv. 8. 2: *καὶ τὸ παλαιὸν ἐν τοῖς ἀρχαίοις Ἕλλησιν ἐγίνοντό τινες μόναρχοι τὸν τρόπον τοῦτον (αὐτοκράτορες αἱρετοὶ) οὓς ἐκάλουν αἰσυμνήτας.—Ἦσαν δὲ διὰ τὸ κατὰ νόμον βασιλικαὶ καὶ διὰ τὸ ἄρχειν ἑκόντων, τυραννικαὶ δὲ διὰ τὸ δεσποτικῶς ἄρχειν καὶ κατὰ τὴν αὐτῶν γνώμην.* Hence we have *τυραννὶς αἱρετὴ* in Aristot. iii. 9. 5, and Theophr. ap. Dionys. Hal. v. 73. The last mentioned writer compares it with the Roman dictatorship. *Ἦρχον δέ*, adds Aristot. *οἱ μὲν διὰ βίου τὴν ἀρχήν, οἱ δὲ μέχρι τινῶν ὡρισμένων χρόνων ἢ πράξεων.*

9) The only instance, indeed, is that afforded by the history of Pittacus, who was invested with the power of Æsymnete in Mytilene for a considerable time; see Aristot. and Theophr. ll. cc., conf. Plut. Vit. Solon. c. 14; Diog. L. i. 75; but especially Strab. xiii. p. 917. D: *εἰς τὴν τῶν δυναστειῶν κατάλυσιν*, whence Kortüm (§. 100) and Tittmann (§. 442 and 533) conjecture, not without reason, that this office was democratical in principle. Compare also O. Müller, in the Rhein. Mus. i. §. 290, and

Plehn's Lesbiaca, p. 46, sqq., 88, sqq.—Wachsm. (i. §. 280) says, rather vaguely, that it was an office held by appointment of the ruling party of the time.

10) Aristot. Polit. v. 8. 2: ὁ δὲ τύραννος (καθίσταται) ἐκ τοῦ δήμου καὶ τοῦ πλήθους ἐπὶ τοὺς γνωρίμους, ὅπως ὁ δῆμος ἀδικῆται μηθὲν ὑπ' αὐτῶν.

11) Ibid. v. 8. 7: comp. Wachsm. ii. 1. §. 54.

§. 64. This close and necessary connection of tyranny with the whole political system of Greece, explains its universal and simultaneous appearance in Greek history; from which circumstance the seventh and sixth centuries B. C. have been termed the period of the tyrants[1]. All equally under the necessity of counteracting the insecurity of their usurped authority, by external aid, they were reciprocally connected by marriage, alliance, treaties, and the so well known bond of hospitality; we find them on friendly terms even with barbarian kings, and not averse to the introduction into their petty courts of oriental manners and observances[2]. In pomp and splendour they vied with these barbarians themselves, more especially in the size of their buildings, in the richness of their votive offerings, and in the exquisite and elaborate perfection of their works of art. Two objects were thus attained, the commonalty was weakened by imposts and exactions, and the numbers who had no specific occupations were employed and fed[3]; and although the state by this means seldom increased her external power or domestic prosperity[4], still the course pursued was not without its peculiar honour and advantage; for this love of pomp and pageantry, indulged under the unbroken repose of stern and rigid despotism, served in an eminent degree to foster literature, science, and the arts; and it cannot be deemed the result of chance alone that the period of the tyrants was at once refined and adorned by the presence of the sculpture, the poet, and the philosopher, while

their treasures, dispensed with judgment and liberality, permitted no one to lack either encouragement for the exercise, or material for the employment of his genius [5].

1) See Clavier, Hist. d. pr. temps. t. ii. p. 309, sqq.; and the catalogue in Wachsm. i. 1. §. 274—279.

2) On Periander see Müller's Dorians, vol. i. p. 188, sqq.

3) Aristot. Polit. v. 9. 4: *πάντα γὰρ ταῦτα δύναται ταὐτὸν, ἀσχολίαν καὶ πενίαν τῶν ἀρχομένων.* Especially Polycrates of Samos; compare Panofka res Sam. p. 35, who does not make an exception of even the works mentioned by Herod. iii. 60. On the taxes and exactions of the tyrants, see Wachsm. ii. 1. §. 107—109; on their public works, etc. ii. 2. §. 319 and 359, sq.

4) Were the tyrants generally warlike? Thucyd. i. 17, seems to deny it, but it is positively asserted by Plat. Republ. viii. p. 566, E. and Aristot. Polit. v. 9. 5: *ἵν' ἐν χρείᾳ ἡγέμονος ὁ δῆμος ᾖ.* It is not to be forgotten that their conquests seldom proved beneficial to the state. Compare, on this point at large, Wachsm. i. 1. §. 288.

5) On the poets, see Wachsm. de Pind. reip. const. præc. ii. p. 17; Ant. ii. 2. 280; and Panofka l. c. p. 36; on the Samian artist Theodorus, ibid. p. 34, and Sillig's Cat. Art. s. v. Periander's connection with the seven sages is attested by the story of their meeting at his court, Plut. Vit. Solon. c. 4; conf. Wyttenb. ad Plut. Morr. p. 909, and C. Wagner de Periandro septem sapientibus annumerato, (Darmst. 1828).—There were libraries at Samos and Athens; see Athen. i. p. 3. All must regret that Ebert did not live to execute the work on the influence of the tyrants on the arts and sciences of the Greeks which he promised, l. c. p. vii.

§. 65. Notwithstanding all this their power was but of short duration, and we are acquainted with only two dynasties [1] in which the tyranny descended in hereditary succession beyond the second generation, viz. the Orthagoridæ of Sicyon (B. C. 673—574 [2]), the last of whom, Clisthenes, makes a prominent figure in history [3]; and the Cypselidæ of Corinth (B. C. 660—587), of whom Periander was the most distinguished [4]. It was however seldom the Demos that rose against the tyranny, at the most it only lent its arm to the oligarchical party, (the irreconcileable foes of every monarch,) against the son of the usurper who might have misused his power [5]. Such occasions were usually decisive of the fall of the tyranny; the more so

as the oligarchists could always reckon on the support of the adjacent states, and particularly of the aristocratical[6]. The question whether an oligarchy or democracy[7] was to prevail—or, which is the same thing, whether a wise distribution of power should produce reciprocal moderation, or fresh struggles secure the whole to the Demos[8]—was one to be decided by the domestic and foreign relations of the state[9]. But there were few which did not sooner or later terminate in a pure democracy[10].

1) Aristot. Polit. v. 9. 21, 22; conf. Isocr. Panath. p. 614.

2) Diodor. Frgm. Vat. p. 11: ὅτι Σικυωνίοις ἔχρησεν ἡ Πυθία, ἑκατὸν ἔτη μαστιγονομηθήσεσθαι αὐτούς. But Strab. viii. p. 587. B. says expressly of Sicyon: ἐτυραννήθη πλεῖστον χρόνον, ἀλλ' ἀεὶ τοὺς τυράννους ἐπιεικεῖς ἄνδρας εἶχεν. Compare Wyttenb. ad Plut. de sera num. vind. p. 44, 45; Kortüm, §. 92; Müller's Dorians, vol. i. p. 182, sqq.

3) Vide Herod. v. 67, 68; vi. 126—131. He was in command in the Cirrhæan war (§. 13. n. 6); conf. Paus. x. 37, et plur. ap. Boeckh. ad Schol. Pind. p. 491.

4) Vide Herod. v. 92. Strab. viii. p. 580, C. D., and on Periander in particular, Heracl. Pont. c. 5. p. 2825; Diogen. L. i. 94—101. Compare Meurs. Lectt. Att. ii. 21; de la Nauze sur les années de Périandre, in the Mém. de l'Acad. des Inscr. xiv. p. 363, sqq.; Müller's Dorians, vol. i. p. 188; and on the oracle: αὐτὸς καὶ παῖδες, παίδων γε μὲν οὐκέτι παῖδες, Ægin. p. 66.

5) Aristot. Polit. v. 8. 20: τῶν γὰρ κτησαμένων οἱ πλεῖστοι καὶ διεφύλαξαν τὰς ἀρχάς· οἱ δὲ παραλαβόντες εὐθὺς ὡς εἰπεῖν ἀπολλύασι πάντες· ἀπολαυστικῶς γὰρ ζῶντες εὐκαταφρόνητοι γίνονται καὶ πολλοὺς καιροὺς παραδιδόασι τοῖς ἐπιτιθεμένοις: compare Plat. de Legg. iii. p. 695. E., and instances in Diodor. xi. 53; also Plut. Regg. et Imp. Apophth. t. viii. p. 90. ed. Hutt.

6) On Lacedæmon, see above, §. 32. n. 6.

7) As in Chalcis and Ambracia, Aristot. Polit. v. 3. 6.

8) As for instance in Megara; Plut. Qu. Gr. 18 and 59.

9) See, in general, Aristot. v. 10. 3.

10) See Manso, über die Begrundung der Democratie in den Griechischen Staaten, (Breslau, 1800,) and his Sparta, ii. §. 506—540; also Hüllmann's Staatsr. d. Alterth. §. 107—111.

§. 66. The general idea of a Greek democracy as it is exhibited by the ancient eulogists of that form of

government[1], was the equal right of all members of the state to a decisive share in all the essential attributes of the highest power[2], (which accordingly could be exercised only by or in the name of a general assembly,) no less in the administration of justice and the laws than in deciding upon questions of public interest. For although the individual burgher, as such, could not be supposed to possess the best capacity for consulting the public good, no one had certainly a greater interest in maintaining it[3]; and it was plausibly imagined that injustice and despotism were least to be expected when the governor was identified with the governed[4]. Freedom of debate and universal equality in the eye of the law, were the immediate and most necessary consequences of such ideas[5]; and the more inseparably the Greek imagined his personal and political existence to be connected[6], the more probable it was that this form of government, of which equality formed the fundamental idea[7], would alone appear to insure him on the one hand individual liberty[8], and on the other the satisfaction of every just demand. From this very idea of the nature of justice arose the factitious division of democracy into the two above-mentioned forms[9]. Considered as consisting in strict proportion between all mutual rights and duties, it introduced that intermixture of the oligarchical with the democratical principle[10] which constituted what was called πολιτεία, or moderate democracy[11]; considered on the other hand, as a principle of mere absolute equality, it gave rise to pure democracy[12], which, far from allowing any distinction or privilege on the ground of superiority in property, talent, or merit, first dreaded and then sought to depress them under the weight of a mere numerical majority, and even thrust them aside by occasionally resorting to compulsion[12].

1) Herod. iii. 80; Thucyd. vi. 39; Eurip. Suppl. v. 449, et sqq.; Æschin. adv. Ctesiph. c. 2; vid. plur. ap. Wolf ad Demosth. Lept. p. 233; Dio Cass. lii. 4; conf. Kortüm, §. 4—10; Wachsm. i. §. 18—26.

2) Aristot. Polit. v. 7. 22: *Δύο γάρ ἐστιν οἷς ἡ δημοκρατία δοκεῖ ὡρίσθαι· τῷ τὸ πλεῖον εἶναι κύριον καὶ τῇ ἐλευθερίᾳ· τὸ μὲν γὰρ δίκαιον ἴσον δοκεῖ εἶναι, ἴσον δὲ, ὅ τι ἂν δόξῃ τῷ πλήθει, τοῦτ' εἶναι κύριον.* Conf. iv. 4. 2: *ἐπεὶ γὰρ ἐλευθερία μάλιστ' ἐστὶν ἐν δημοκρατίᾳ καὶ ἰσότης, οὕτως ἂν εἴη μάλιστα, κοινωνούντων ἁπάντων μάλιστα τῆς πολιτείας ὁμοίως.* Tittmann, §. 4, says, "Freedom among the ancients was fictitiously made to consist in participation in the highest power; among moderns it is sought in the restriction and accurate definition of that power; the ancients aimed more at absolute equality among members of the same state; moderns aim rather at an enjoyment of equal rights."

3) Aristot. iii. 6. 4: *τοὺς γὰρ πολλοὺς, ὧν ἕκαστός ἐστιν οὐ σπουδαῖος ἀνὴρ, ὅμως ἐνδέχεται συνελθόντας εἶναι βελτίους ἐκείνων, οὐχ ὡς ἕκαστον, ἀλλ' ὡς σύμπαντας.* Conf. iii. 7. 8. and 10. 5; also Thucyd. l. c.: *φύλακας μὲν ἀρίστους χρημάτων εἶναι τοὺς πλουσίους, βουλεῦσαι δ' ἂν βέλτιστα τοὺς ξυνετοὺς, κρῖναι δ' ἂν ἀκούσαντας ἄριστα τοὺς πολλοὺς, κ. τ. λ.*

4) Schleiermacher, ut sup. §. 31, says, "Consequently it will not be possible for some to rise so as to be permanently and exclusively the governing, whilst others sink as permanently and exclusively to be the governed part of the community, but the opposite conditions of ruler and subject will meet in the same individual. There will be occasions when all must unite to exhibit and exert the sovereign power, and others when as individuals each will appear a subject. And this is democracy, namely, a state of society maintaining and displaying political equality, by the equal participation of equals in the forms and powers of a state. Comp. Aristot. vi. 1. 6: *ἐλευθερίας ἓν μὲν τὸ ἐν μέρει ἄρχεσθαι καὶ ἄρχειν.*

5) Tittmann, §. 16.

6) Hence *ἰσηγορία* and *ἰσονομία* came to be synonymous with democracy. See Gatak. ad M. Anton. i. 14; Markland ad Lysiam, p. 77. Rsk.; Wachsm. i. 2. §. 22; and my Diss. de jure magg. p. 13. Also, *παῤῥησία*, i. q. *ἐλευθερία*: Eur. Jon. v. 686: *ἐκ τῶν Ἀθηνῶν μ' ἡ τεκοῦσ' εἴη γυνή, ὥς μοι γένηται μητρόθεν παῤῥησία*: comp. Phœniss. 404; Menand. ap. Stob. Serm. lx. p. 382. Gesn.

7) Aristot. v. 1. 1, et sqq.; conf. iii. 5. 8; Eth. ad Nic. v. 3. 3, et sqq.

8) Aristot. Polit. vi. 1. 6; Plat. Republ. viii. p. 562. B.; Cic. de Republ. i. 31.

9) Aristot. Polit. v. 1. 7: *ἐστὶ δὲ διττὸν τὸ ἴσον· τὸ μὲν γὰρ ἀριθμῷ, τὸ δὲ κατ' ἀξίαν ἐστὶ· λέγω δὲ ἀριθμῷ μὲν τὸ πλήθει ἢ μεγέθει ταὐτὸν ἢ ἴσον, κατ' ἀξίαν δὲ τὸ τῷ λόγῳ. Ὁμολογοῦντες δὲ ἁπλῶς τὸ ἴσον εἶναι δίκαιον, ἐν τῷ κατ' ἀξίαν διαφέρονται· οἱ μὲν, ὅτι, ἐὰν κατά τι ἴσοι ὦσιν, ὅλως ἴσοι νομίζουσιν εἶναι· οἱ δὲ, ὅτι, ἐὰν κατά τι ἄνισοι, πάντων ἀνίσων ἀξιοῦσιν ἑαυτούς.* Comp. v. 2. 11; and Zell. ad Eth. Nic. v. 3. p. 173; likewise my Diss. de jure magg. p. 8, et sqq.

10) Aristot. iv. 6. 2; v. 6. 3, 4; comp. above, §. 52. n. 5.

11) Hence Aristot. Polit. iii. 11. 11: *πολιτικὸν δὲ πλῆθος, ἐν ᾧ πέφυκεν ἐγγίνεσθαι πλῆθος πολεμικὸν, δυνάμενον ἄρχειν τε καὶ ἄρχεσθαι κατὰ νόμον τὸν κατ' ἀξίαν διανέμοντα τοῖς εὐπόροις τὰς ἀρχάς.* Comp. also Thucyd. ii. 36.

12) Ibid. vi. 1. 6: *καὶ γὰρ τὸ δίκαιον τὸ δημοτικὸν τὸ ἴσον ἔχειν ἐστὶ κατ' ἀριθμὸν, ἀλλὰ μὴ κατ' ἀξίαν, τούτου δ' ὄντος τοῦ δικαίου, τὸ πλῆθος ἀναγκαῖον εἶναι κύριον, καὶ ὅ, τι ἂν δόξῃ τοῖς πλείοσι, τοῦτ' εἶναι τὸ δίκαιον· φασὶ γὰρ δεῖν ἴσον ἔχειν ἕκαστον τῶν πολιτῶν.* Conf. Plutarch. Qu. Symposs. viii. 2. 2: *ὁ γὰρ Λυκοῦργος οἶσθα δήπου ὅτι τὴν ἀριθμητικὴν ἀναλογίαν, ὡς ὀλιγοκρατικὴν καὶ ὀχλικὴν οὖσαν, ἐξέβαλεν —ἐπεισήγαγε δὲ τὴν γεωμετρικὴν, κ. τ. λ.* Plat. Rep. viii. p. 558. C.: *ἰσότητά τινα ὁμοίως ἴσοις καὶ ἀνίσοις διανέμουσα.*

13) Such as ostracism, (*ἀποδημητικὴ παράστασις*, Aristot. Polit. v. 7. 8); practised not only in Athens, but also in Argos, (Aristot. Polit. v. 2. 5); Megara, Miletus, (Schol. Aristoph. Equ. v. 852; Phavor. s. v. *ὀστρακίνδα*,) and Syracuse, where it was called Petalism; Diod. xi. 87; compare the Dissertation of Andr. Rivinus (Lips. 1654,) in Schlægeri Dissert. Rarior. Fascic. Nov. (Helmst. 1743,) p. 107—160; and Theoph. Lud. Münter in Parerg. (Gött. 1749,) p. 85, sqq. Comp. Aristot. Polit. iii. 8. 2; and see below, chap. v. part 3.

§. 67. Hence, while in the moderate democracy, participation in state-offices was regulated by the amount of property [1], and generally by the possession of arms [2]; the absolute form gave to all elegibility to office, and in the cases where all could not share equally and simultaneously, sought to increase to the utmost the number of the employed, and to insure a perpetual change and rotation, by the formation of new offices [3], and by other means, whilst the distribution of these offices by lot [4] secured to all at least the possibility of power. The moderate form confined the regular and constant influence of the sovereign commonalty to the election and controul of their ministers [5], but entrusted the administration of affairs solely to the judgment and loyalty of those ministers, when once elected; the absolute form made almost every measure immediately dependent upon the decision of the general assembly [6], leaving to the officials the mere task of framing and announcing the definitive sentence of the meeting [7]. Hence while in the former case, every interest was represented and protected, in the latter only one was regarded; whilst in the one the people were only supreme, in the other they were the sole and exclusive judge, it is scarcely too much

to presume that in the moderate democracy right and law would flourish inviolate and effective; in the absolute form, the caprice of the commonalty and the hasty and crude decisions of a moment[8], would usurp the place of the deliberate judgment of a responsible executive.

1) So verging to timocracy, see above, §. 59. n. 8, and differing from an oligarchy only in the amount of the qualification, *τιμήματα*. Aristot. Polit. iv. 4. 3: *ἄλλο δὲ (εἶδος δημοκρατίας) τὸ τὰς ἀρχὰς ἀπὸ τιμημάτων εἶναι, βραχέων δὲ τούτων ὄντων· δεῖ δὲ τῷ κτωμένῳ ἐξουσίαν εἶναι μετέχειν καὶ τὸν ἀποβαλόντα μὴ μετέχειν.* Conf. v. 2. 9; 5. 11; 7. 6; and vi. 1. 8. Also to an aristocracy in the sense noticed, §. 58. n. 1; see Isocr. Panath. p. 616; and for a further account, Luzac de Socr. cive, (L. B. 1796,) p. 63—74, who, be it observed, considers Aristotle's authority paramount in every thing.

2) Ibid. iii. 5. 3: *κατὰ ταύτην τὴν πολιτείαν κυριώτατον τὸ προπολεμοῦν καὶ μετέχουσιν αὐτῆς οἱ κεκτημένοι τὰ ὅπλα.* Conf. ii. 3. 9; iv. 10. 9—11; Thucyd. viii. 97. Such were the *ἐκ καταλόγου στρατεύοντες*; conf. Schneider. ad Aristot. Polit. p. 295; Krüger ad Dionys. Hal. p. 109; and Geel's Anecdota Hemsterh. p. 190; in contradistinction to the *δῆμος ψιλὸς*, (Aristot. vi. 4. 4,) or the *θῆτες*, (Thucyd. vi. 43); compare also Aristot. iii. 2. 8.

3) Compare Aristot. vi. 1. 8: *τὰ τοιαῦτα δημοτικὰ· τὸ αἱρεῖσθαι τὰς ἀρχὰς πάντας ἐκ πάντων· τὸ ἄρχειν πάντας μὲν ἑκάστου, ἕκαστον δ' ἐν μέρει πάντων· τὸ κληρωτὰς εἶναι τὰς ἀρχὰς ἢ πάσας, ἢ ὅσαι μὴ ἐμπειρίας δέονται καὶ τέχνης· τὸ μὴ ἀπὸ τιμήματος μηθένος εἶναι τὰς ἀρχὰς ἢ ὅτι μικροτάτου· τὸ μὴ δὶς τὸν αὐτὸν ἄρχειν μηδεμίαν ἢ ὀλιγάκις ἢ ὀλίγας, ἔξω τῶν κατὰ πόλεμον· τὸ ὀλιγοχρονίους εἶναι τὰς ἀρχὰς ἢ πάσας ἢ ὅσας ἐνδέχεται· τὸ δικάζειν πάντας καὶ ἐκ πάντων καὶ περὶ πάντων ἢ περὶ τῶν πλείστων, κ. τ. λ.* In many places the offices were held in rotation, *ἕως ἂν διέλθῃ διὰ πάντων*, Aristot. iv. 11. 3.

4) Anaxim. Rhet. ii. 7, states indeed that only the majority of petty offices were filled by lot, the more important by public nomination, by a show of hands, *χειροτονία*; of which latter class were the *στρατηγοὶ*; but see my Dissertation de jure magg. p. 15—24, and, on the subject at large, Herod. iii. 80; Plat. Republ. viii. p. 557. A.; Aristot. Polit. iv. 7. 3. In cases of nomination a pecuniary qualification, *τιμήματα*, was considered essential to the public safety; Aristot. Polit. v. 4. 6.

5) Aristot. Polit. iii. 6. 11; iv. 6. 4; 11. 4; vi. 2. 2; Isocr. Areop. p. 442, sq.; Panath. p. 626. These were the *ἀναγκαῖαι ἐκκλησίαι*, comp. above, §. 62. n. 3.

6) Aristot. vi. 1. 8: *τὸ τὴν ἐκκλησίαν κυρίαν εἶναι πάντων ἢ τῶν μεγίστων, ἀρχὴν δὲ μηδεμίαν μηδένος ἢ τῶν ὀλιγίστων, κ. τ. λ.* Conf. iv. 4. 6: *ἔτι δὲ οἱ ταῖς ἀρχαῖς ἐγκαλοῦντες τὸν δῆμόν φασι δεῖν κρίνειν, ὁ δ' ἀσμένως δέχεται τὴν πρόκλησιν, ὥστε καταλύονται πᾶσαι αἱ ἀρχαί·* and above, §. 54. n. 3.

7) *Προανακρίνειν*, Aristot. iv. 11. 5.

8) Ibid. iv. 4. 3: ἕτερον δ' εἶδος δημοκρατίας, τἄλλα μὲν εἶναι ταὐτὰ, κύριον δ' εἶναι τὸ πλῆθος καὶ μὴ τὸν νόμον· τοῦτο δὲ γίνεται, ὅταν τὰ ψηφίσματα κύρια ᾖ, ἀλλὰ μὴ ὁ νόμος, συμβαίνει δὲ τοῦτο διὰ τοὺς δημαγωγούς. Comp. iv. 11. 8; v. 4. 5; 7. 19. On the difference between νόμος and ψήφισμα, (ἐπίταγμα, iv. 4. 5,) see Sigonius de Republ. Athen. i. 5. p. 484, sq. In early times it was a law, in Athens, for instance, ψήφισμα μηδὲν μήτε βουλῆς μήτε δήμου νόμου κυριώτερον εἶναι, Demosth. adv. Aristocr. p. 648. 21; Andoc. de Myster. c. 87. p. 42; but that state of things afterwards arose, of which we read in Plat. Republ. viii. p. 563. D.: τελευτῶντες γάρ που οἶσθ' ὅτι οὐδὲ τῶν νόμων φροντίζουσι γεγραμμένων ἢ ἀγράφων, ἵνα δὴ μηδεὶς μηδαμῇ αὐτοῖς ᾖ δεσπότης. See, for a further account, de jure magg. p. 4. Hence Æschin. adv. Ctesiph. p. 494: δημοκρατουμένων τῶν Ὡρειτῶν καὶ πάντα πραττόντων μετὰ ψηφίσματος. Cic. de Rep. i. 27: *Athenienses quibusdam temporibus sublato Areopago nihil nisi populi scitis* agebant. Compare Demosth. adv. Neær. p. 1375: ὁ γὰρ δῆμος τῶν Ἀθηναίων, κυριώτατος ὢν τῶν ἐν τῇ πόλει ἁπάντων καὶ ἐξὸν αὐτῷ ποιεῖν ὅ τι ἂν βούληται, κ. τ. λ.

§. 68. From such a state of things it would naturally and inevitably result, that so soon as party interests interposed, this so much lauded equality would exist less in reality than in semblance; for it appeared, in fact, that not the whole people governed with equal rights, but a numerical majority lording it with unlimited sway over a minority[1]; and seeing that in most states the poorer classes constituted this majority[2], an absolute democracy would form the opposite extreme to oligarchy[3]. The great injustice imputed to the latter was plainly forced upon them, since not to be outvoted they would be required to exclude the commonalty from all share in public affairs. The democracy, on the other hand, though it permitted the rich to retain their individual votes, did not therefore cease to be what the unanimous definition of Greek statists represented it, a supremacy of the indigent over the wealthy[4]. Hence the oppression of the wealthier classes is inseparable from this form of government, whilst the decisive majority not only burdened them with all the exigencies of the state, but resorted to every expedient for filling at the cost of their opponents the public coffers, which formed the private purse of the sovereign

Demos[5]. This was the result of the general principle, that in discussing measures of government the majority must be right; and hence the Demos gained a twofold end[6]: its rivals were weakened in the very point upon which they founded a claim to superiority, and the means were obtained[7] for devoting, without injury to its private concerns, its undivided time and attention to the attainment of supreme power; the wealthy meantime being deprived of the leisure necessary for this object[8].

1) Cic. de Republ. i. 27: *Quum omnia per populum geruntur, quamvis justum atque moderatum; tamen ipsa æquabilitas est iniqua, quum habet nullos gradus dignitatis.* Comp. Xenoph. Cyr. ii. 2. 17; and Plin. Epist. ii. 12: *Sed hoc pluribus visum est. Numerantur enim sententiæ, non ponderantur; nec aliud in publico consilio potest fieri, in quo nihil est tam inæquale, quam æqualitas ipsa. Nam quum sit impar prudentia, par omnium jus est.*

2) For exceptions, see Aristot. Polit. iv. 3. 8.

3) Hence Aristot. vi. 1. 9: *ἐπειδὴ ὀλιγαρχία καὶ γένει καὶ πλούτῳ καὶ παιδείᾳ ὁρίζεται, τὰ δημοτικὰ δοκεῖ τἀναντία τούτων εἶναι· ἀγέννεια, πενία, βανανσία.* Comp. Xenoph. Mem. Socr. iv. 2. 37; Plat. de Repub. viii. p. 565. A.

4) Aristot. Polit. iii. 5. 4: *. . . ἡ δημοκρατία πρὸς τὸ συμφέρον τῶν ἀπόρων, πρὸς δὲ τὸ τῷ κοινῷ λυσιτελοῦν οὐδεμία αὐτῶν. Ὀλιγαρχία δέ, ὅταν ὥσι κύριοι τῆς πολιτείας οἱ τὰς οὐσίας ἔχοντες, δημοκρατία δὲ τοὐναντίον ὅταν οἱ μὴ κεκτημένοι πλῆθος οὐσίας ἀλλ' ἄποροι.* Comp. iv. 3. 6—9; 4. 2; de jure magg. p. 11. On the *δῆμος, plebs*, see Wachsm. i. 1. §. 315—318.

5) Aristot. Polit. vi. 1. 12: *. . . εἰ δ' ὅ τι ἂν οἱ πλείους κατ' ἀριθμὸν, δίκαιον, ἀδικήσουσι δημεύοντες τὰ τῶν πλουσίων καὶ ἐλαττόνων, καθάπερ εἴρηται πρότερον.* Conf. iii. 6. 1; and particularly, Xenoph. Œcon. ii. 6: *ἔτι δὲ καὶ τὴν πόλιν αἰσθάνομαι τὰ μὲν ἤδη σοι προστάττουσαν μεγάλα τελεῖν, ἱπποτροφίας τε καὶ χορηγίας καὶ γυμνασιαρχίας καὶ προστατείας· ἢν δὲ δὴ πόλεμος γένηται, οἶδ' ὅτι καὶ τριηραρχίας μισθοὺς καὶ εἰς φορὰς τοσαύτας σοι συντάξουσιν ὅσας σὺ οὐ ῥᾳδίως ὑποίσεις· ὅπου δ' ἂν ἐνδεῶς τι τούτων δόξῃς ποιεῖν, οἶδ' ὅτι σε τιμωρήσονται Ἀθηναῖοι οὐδὲν ἧττον ἢ εἰ τὰ αὐτῶν λάβοιεν κλέπτοντα.* Hence Isocr. de Pace, c. 33: *ὥστ' ἄλγιον ζῆν τοὺς τὰς οὐσίας κεκτημένους ἢ τοὺς συνεχῶς πενομένους.* See below, chap. vii.

6) Xenoph. Republ. Athen. i. 13: *. . . ἵνα αὐτός τε ἔχῃ καὶ οἱ πλούσιοι πενέστεροι γίγνωνται.*

7) Aristot. Polit. iv. 12. 9: *συμβαίνειν εἰωθεν, ὅταν εὐπορία τις ᾖ ἡ μισθὸς τοῖς ἐκκλησιάζουσιν· σχολάζοντες γὰρ συλλέγονται δὴ πολλάκις καὶ ἅπαντα αὐτοὶ κρίνουσι.* Conf. iv. 5. 5; vi. 1. 9: and on the *μισθοφορὰς*, (found also in Rhodes, Aristot. v. 4. 2,) see especially Boeckh's Publ. Œcon. of Athens, i. p. 289, sqq. *Τοῦτο δὲ* (he proceeds, vi. 3. 3,)

ὅπου πρόσοδοι μὴ τυγχάνουσιν οὖσαι, πολέμιον τοῖς γνωρίμοις· ἀπό τε γὰρ εἰσφορᾶς καὶ δημεύσεως ἀναγκαῖον γίνεσθαι καὶ δικαστηρίων φαύλων, ἃ πολλὰς ἤδη δημοκρατίας ἀνέτρεψεν.

8) Aristot. iv. 5. 5; vi. 3. 3; for he says, iv. 10. 8, that no penalty was incurred by absence. Comp. iv. 7. 2; 11. 8.

§. 69. Thus the more readily the sovereign Demos, acknowledging no higher motive than the caprice or exigence of the moment, was swayed by every transient impression[1]; the more easy it was for the orator to lead them at will[2], perfectly informed as he was of the temper and character of his hearers, and thus fully enabled to work on their susceptibility without wounding their pride. His pleadings and his arguments were urged with the greater boldness and security from the very fact that as he was without office so was he without responsibility, and appeared to debate solely in the exercise of that freedom of speech and thought which was allowed to all[3]. If it happened that chance gave the Demos in the person of this leader and champion[4], an individual gifted with sound political foresight, and exempt from low and selfish passions, all the advantages of a tyranny were enjoyed without its defects[5]; but it too frequently proved that the oratorical talent which suited the popular taste[6] was coupled with the vulgar baseness which considered the favour of the mob but as a means to the gratification of private interest and ambition[7]; and with this view, flattering all its despotic whims[8], the speaker only increased its natural incapacity for deliberation[9]. Yet the classes of the state which suffered most immediately from this state of things, were unfortunately composed of the wealthy and the good; the demagogue in the public assemblies, and the sycophant in the public courts[10], if both characters did not meet in the same person, vied with each other in measures for the oppression and humiliation of those

classes[11]; and it was only in the venal cupidity of these men that the wealthy found some degree of safety, since the legal decisions even of the judges were not delivered without a strong bias in favour of the democracy[12].

1) See the picture of the Athenian Demos, drawn by Demosth. de Falsa Legat. p. 383; and Plut. reip. ger. præc. c. 3; and in the painting of Parrhasius described, Plin. Hist. Nat. xxxv. 36. 5; also Luzac. l. c. p. 78—82.

2) Hence the name *δημαγωγὸς*, comp. Valcken. Diatr. in Eurip. Fragm. p. 253—257: Wyttenb. ad Plut. Morr. p. 251—253; Manso über die att. Demagogen, (Breslau, 1794); Passow, Geschichte der att. Demagogie, in Wachler's Philomathie (Frankf. a. M. 1822); Wachsm. i. 2. §. 24—26, and 153—166; Rötscher, ut sup. §. 154, sqq.

3) See §. 66. n. 6. Comp. Eurip. Suppl. 454, sqq.

4) *Προστάτης τοῦ δήμου, patronus plebis;* see de jure magg. p. 14; and Wachsm. i. 2. §. 435—438. Were there ever special magistrates so called? in Argos for instance? Müller's Dorians, ii. p. 149. Plat. Republ. viii. p. 565. C.: *Οὐκοῦν ἕνα τινὰ ἀεὶ ὁ δῆμος εἴωθε διαφερόντως προϊστασθαι ἑαυτοῦ καὶ τοῦτον τρέφειν τε καὶ αὔξειν μέγαν.*

5) As Thucyd. ii. 65, says of Pericles: *ἐγίγνετο δὲ λόγῳ μὲν δημοκρατία, ἔργῳ δὲ ὑπὸ τοῦ πρώτου ἀνδρὸς ἀρχή.*

6) Hermog. *π. μεθ. δειν.* p. 405. 9: *δημηγορεῖν γὰρ τὸ ἐν δήμῳ ἀγορεύειν, ἰδίως δὲ τὸ κεχαρισμένα λέγειν καὶ ἀπαίδευτα.* Conf. Aristoph. Equ. 191.

7) Aristot. Polit. iv. 4. 6: *συμβαίνει γὰρ αὐτοῖς γίνεσθαι μεγάλοις, διὰ τὸ τὸν μὲν δῆμον εἶναι κύριον, τῆς δὲ τοῦ δήμου δόξης τούτους· πείθεται γὰρ τὸ πλῆθος τούτοις.* Conf. Plat. Republ. viii. p. 565. A.: *καθ' ὅσον δύνανται οἱ προεστῶτες, τοὺς ἔχοντας τὴν οὐσίαν ἀφαιρούμενοι, διανέμοντες τῷ δήμῳ, τὸ πλεῖστον αὐτοὶ ἔχειν.* Lysias de publ. bon. Eucr. c. 16. p. 608. Rsk.; Demosth. Olynth. iii. p. 34. 23; Sext. Emp. adv. Mathem. ii. 41. Hence, *χρυσοῦν θέρος τὸ βῆμα*, Plutarch. t. xii. p. 139. Hutt.

8) Aristot. iv. 4. 5: *ὁ δ' οὖν τοιοῦτος δῆμος ἅτε μόναρχος ὢν ζητεῖ μοναρχεῖν, διὰ τὸ μὴ ἄρχεσθαι ὑπὸ νόμου, καὶ γίνεται δεσποτικὸς· ὥστε οἱ κόλακες ἔντιμοι. Καὶ ἔστιν ὁ τοιοῦτος δῆμος ἀνάλογον τῶν μοναρχιῶν τῇ τυραννίδι—καὶ ὁ δημαγωγὸς καὶ ὁ κόλαξ οἱ αὐτοὶ καὶ ἀνάλογον καὶ μάλιστα δ' ἑκάτεροι παρ' ἑκατέροις ἰσχύουσι, κ. τ. λ.* Conf. iv. 11. 5; v. 8. 18; 9. 6.

9) Eurip. Suppl. v. 427, says of monarchy: *οὐκ ὄχλῳ κρατύνεται, οὐδ' ἔστιν, αὐτὴν ὅστις ἐκχαυνῶν λόγοις πρὸς κέρδος ἴδιον ἄλλος ἄλλοσε στρέφει.* Comp. Thucyd. ii. 65; and on the *δυσβουλία* of the Athenian Demos in particular, see the commentators on Aristoph. Eq. 1064; Eccl. 496.

10) On this point in general, see Wachsm. i. 2. §. 157; and on the (supposed) origin of the name, Athen. iii. 6, with the other authorities quoted by Ast. ad Plat. Remp. p. 363.

11) Aristot. Polit. vi. 3. 2; vide plur. ap. Meier de bonis damn. p. 175—178.

12) Xenoph. Republ. Athen. i. 13; comp. Rötscher, ut sup. §. 138, sqq. Hence, Isocr. π. ἀντιδ. p. 85. Orell.: πολὺ δεινότερον καθέστηκε τὸ δοκεῖν εὐπορεῖν ἢ τὸ φανερῶς ἀδικεῖν, κ. τ. λ.; and Lysiæ Orat. de affect. tyrann. §. 26.

§. 70. Under such circumstances it can be no wonder if oligarchical factions were generated with an exuberant bitterness of feeling[1], stimulated by the pride of wealth or birth, combined with hatred of oppression. The malcontents formed clubs, ἑταιρεῖαι or συναιμοσίαι[2], which, though intended principally for mutual support in elections or prosecutions[3], were ever on the watch for opportunities to overthrow the democracy[4], and for that purpose co-operated with each other in different states, or formed leagues with governments of a more oligarchical character[5]. Their success was commonly followed by the loss of the external independence of the state[6], but that was a circumstance of little moment to a party, which from long opposition to the Demos had lost all national feeling, and was so destitute of genuine patriotism and reverence for right and law, as to be actuated by no other motives than self-interest, and private resentment. The leaders of the Demos were got rid of by secret assassination or open violence[7]. The mass of the people were rendered powerless by being deprived of arms, by numerous proscriptions[8], exile, deportations[9], etc. How far this inveterate and fierce hatred carried them, may be conceived from the oath preserved to us in Aristotle[10], "To plan and work mischief to the Demos to the utmost of one's ability." Such a constant state of hostility admitted no possibility of internal security and repose; occasionally indeed the semblance of a timocratic government was prepared, but whilst the influence of clubs and fac-

tions remained paramount[11], no idea could be entertained of a permanent and impartial equality, and democratic reaction was ever welcome and often successful.

1) Aristot. Polit. v. 4. 1: *αἱ μὲν οὖν δημοκρατίαι μάλιστα μεταβάλλουσι διὰ τὴν τῶν δημαγωγῶν ἀσέλγειαν· τὰ μὲν γὰρ ἰδίᾳ συκοφαντοῦντες τοὺς τὰς οὐσίας ἔχοντας συστρέφουσιν αὐτούς — τὰ δὲ κοινῇ τὸ πλῆθος ἐπάγοντες, κ. τ. λ.* Plat. Republ. viii. p. 565. B., and Theophr. Charact. xxix. See, on this point in general, Wachsmuth, i. 2. §. 99—102.

2) See Plat. Republ. ii. p. 365. D., et plur. ap. Lobeck ad Soph. Ajac. p. 322; Ast. ad Legg. p. 437; Wachsmuth, i. 2. §. 441, and particularly Krüger ad Dionys. Hal. p. 363—365.

3) *Συνωμοσίαι ἐπὶ δίκαις καὶ ἀρχαῖς οὖσαι* (so Liv. ix. 26: *coitiones honorum adipiscendorum causa*) Thucyd. viii. 54: conf. Aristoph. Lysistr. v. 577; Plat. Theæt. p. 173. D. with Heindorf's note, §. 390; and Hüllmann's Essay de Atheniensium *συνωμοσίαις*, etc. (Königsb. 1814), (§. 144 of his Staatsr. d. Alterth.)

4) Compare, for instance, Plut. Lysand. c. 5: *προτρέπων καὶ παροξύνων ἑταιρικὰ συνίστασθαι καὶ προσέχειν τὸν νοῦν τοῖς πράγμασιν, ὡς ἅμα τῷ καταλυθῆναι τοὺς Ἀθηναίους τῶν τε δήμων ἀπαλλαξομένους καὶ δυναστεύσοντας ἐν ταῖς πατρίσι.*

5) See what was said of Sparta above, §. 39, note 3; and for details, Wachsm. i. 2. §. 244, sqq.

6) We must here mention the *Δεκαρχίαι* of Lysander and the Lacedæmonians. See above, §. 39. note 7. Compare Isocr. adv. Lochit. §. 950: *δὶς τῆς ἐλευθερίας ἀπεστερήθημεν — διὰ τοὺς καταφρονοῦντας καὶ βουλομένους τοῖς μὲν πολεμίοις δουλεύειν, τοὺς δὲ πολίτας ὑβρίζειν.*

7) Conf. Thucyd. iii. 70; viii. 65. 70; Xenoph. Hell. v. 2. 30—36; Diodor. xiii. 104.

8) As among the Leontini, Thucyd. v. 4; in Samos, Plut. Lysand. c. 14, etc. At Miletus, (Xen. R. Ath. iii. 11,) *οἱ βέλτιστοι ἀποστάντες τὸν δῆμον κατέκοψαν.*

9) Aristot. Polit. v. 8. 7.

10) Ibid. v. 7. 19. Conf. Lysias in Ergocl. c. 13. p. 824. Rsk.: *οἱ μὲν γὰρ (τριάκοντα) ἐπὶ τοῦτ' ἐχειροτονήθησαν, ἵνα κακῶς, εἴ πῃ δύναιντο, ὑμᾶς ποιήσειαν.*

11) Compare, for instance, Thucyd. viii. 89; also Plut. Lysand. c. 13: *οὔτε γὰρ ἀριστίνδην οὔτε πλουτίνδην ἀπεδείκνυε τοὺς ἄρχοντας, ἀλλὰ ἑταιρίαις καὶ ξενίαις χαριζόμενος τὰ πράγματα.*

§. 71. Such is the general outline of the picture presented by the internal condition of the Greek states from the middle of the fifth century before Christ

downwards[1]. The hostile factions were perpetually contending for opposite extremes, each vigilant to seize every opportunity of weakening or destroying the influence of the other—every interest was deemed subordinate to the prosecution of this deadly strife, and the influence which this position of affairs within exerted upon those without, rendered any permanent respite from civil war impossible[2]. Every advantage won by either party dispersed a crowd of exiles[3], who taking refuge with one or other of the leading powers of Greece, usually involved their native country in the general war prevailing at the time, and in case of victory the power that success in the field ensured, and the fury of party spirit were exerted in the most frightful and cruel excesses of tyranny and bloodshed[4]. It must be acknowledged to the honour of the Greek Demos that its reactions were on some occasions characterised by the greatest moderation[5]; but in others it refused to recognise the least claim of its opponents[6] to share that equality of which it had proclaimed itself the champion, and supplied the deficiency of numbers so caused by incorporating and admitting to civil privileges both foreigners and slaves[7].

1) See the dreadful picture drawn by Thucyd. iii. 82; and compare Wachsmuth, i. 2. §. 141—146; also §. 298—307.

2) Athens and Lacedæmon; see §. 39 note 3.

3) *Φυγάδες*, or the abstr. *φυγὴ* (Oudend. ad Thom. M. p. 902); see Drumann, §. 627, sqq.; also Heyne de exulum reditu in patriam, in Opuscc. Acadd. t. iv. p. 485, sqq.

4) See Thucyd. iii. 81; viii. 21, and the last §. note 7.—The *σκυταλισμὸς* in Argos, Ol. 102. 3, Diodor. xv. 58.

5) As in the well known case of the amnesty at Athens. See also Thucyd. viii. 73; Xenoph. Hell. v. 4. 64.

6) As in Samos, Thucyd. viii. 21:—*καὶ τοῖς γεωμόροις μετεδίδοσαν οὐτ' ἄλλου οὐδενὸς, οὔτε ἐκδῦναι, οὔτε ἀγαγέσθαι παρ' ἐκείνων οὐδ' εἰς ἐκείνους οὐδενὶ ἔτι τοῦ δήμου ἐξῆν.*

7) Diodor. xiii. 48 (in Corcyra, Ol. 92. 3): *ἐποιήσαντο δὲ τοὺς μὲν*

δούλους ἐλευθέρους, τοὺς δὲ ξένους πολίτας, εὐλαβούμενοι τό τε πλῆθος καὶ τὴν δύναμιν τῶν φυγάδων: comp. Thucyd. iii. 73, and Aristot. Polit. vi. 2. 9.

§. 72. From all these causes public demoralisation proceeded so far that the citizen considered freedom to consist not in the equal subjection of all to law, but in his own equal and unlimited right to all[1]. Patriotism and respect for justice and morality were supplanted by the basest selfishness, so that it was no longer a ruling party in the nation considered as a whole, but every individual alike, who set up his own caprice and inclination as natural rights, for the attainment of which he was justified in employing every means at his command[2]. That such a principle of action must ultimately generate a tyranny, cannot for one moment be doubted[3]; and it was this spirit that gave rise to most of the monarchies, which from B. C. 400 and downwards arose in many of the states of Greece, as the natural result of their civil broils[4], and continued till either a general revolt or a bold assassin[5] put an end to the abominations, which in the history of mankind have inseparably associated with infamy the name of the tyrannies[6]. But besides this, there was no lack of men who were ready to sacrifice the public weal to the vilest motives of self-interest; and long ere the fortune of war made Philip of Macedon master of Greece, his gold had prevailed in the councils of most of her states[7].

1) Aristot. Polit. v. 7. 22: ἐλεύθερον δὲ καὶ ἴσον τὸ ὅ τι ἂν βούληταί τις, ποιεῖν· ὥστε ζῇ ἐν ταῖς τοιαύταις δημοκρατίαις ἕκαστος ὡς βούλεται, conf. vi. 1. 7; Plat. de Rep. viii. p. 563; Diodor. Fragm. Vat. p. 10; and the saying (Schott's Prov. Metr. v. 563): ἐλευθέρα Κορκύρα, χέζ' ὅπου θέλεις. Vide plura ap. Rotscher ut sup. §. 100, sqq.

2) On this opposition of the φύσει δίκαιον with the νόμῳ δίκαιον, see the reasonings in Plat. Gorg. p. 482, E. sqq., and Republ. ii. p. 358, E. sqq.; also de Legg. x. p. 889, E. F.: καὶ δὴ καὶ τὰ καλὰ φύσει μὲν ἄλλα εἶναι, νόμῳ δὲ ἕτερα· τὰ δὲ δὴ δίκαια οὐδ' εἶναι τὸ παράπαν φύσει, ἀλλ' ἀμφισβητοῦντας διατελεῖν ἀλλήλοις καὶ μετατιθεμένους ἀεὶ ταῦτα, ἂν δ'

ἂν μεταθῶνται καὶ ὅταν, τότε κύρια ἕκαστα εἶναι — — ταῦτ' ἐστίν, ὦ φίλοι, ἅπαντα ἀνδρῶν σοφῶν παρὰ νέοις ἀνθρώποις, ἰδιωτῶν τε καὶ ποιητῶν, φασκόντων εἶναι τὸ δικαιότατον, ὅ τι ἂν τις νικᾷ βιαζόμενος, κ. τ. λ. Compare Dem. adv. Aristog. p. 774. On the connection between the Σοφιστικὴ τέχνη and these views, (Plat. Rep. vi. p. 439. A.—494, A.,) see Meiner's Geschichte der Ursprunge der Wissenchaft. ii. §. 189, sqq.

3) Plat. Gorg. p. 496, C. sqq.; de Rep. i. p. 344. A.; ix. p. 575, D. Conf. Theag. p. 125, E.; Alcib. ii. p. 141, A.; also Isocr. Panath. p. 674: τὰς δὲ Σπαρτιατῶν πλεονεξίας καὶ τὰς τῶν βασιλέων καὶ τὰς τῶν τυράννων εὐκτὰς μὲν εἶναι καὶ πάντας αὐτῶν ἐπιθυμεῖν — — οὐδενὰ δὲ τὴν φύσιν εἶναι, ὅστις οὐκ ἂν εὔξαιτο τοῖς θεοῖς, μάλιστα μὲν αὐτὸς τυγχάνειν τῆς ἐξουσίας ταύτης, εἰ δὲ μή, τοὺς οἰκειοτάτους· ὁ καὶ φανερόν ἐστιν, ὅτι μέγιστον τῶν ἀγαθῶν ἅπαντες εἶναι νομίζομεν πλέον ἔχειν τῶν ἄλλων.

4) Compare Wachsm. i. 2. §. 316—332.

5) Τυραννοκτονία: see on this subject at large, Heusde's diatr. in civ. ant. p. 80, sqq.—And the law in Cic. de Inv. ii. 49; also Meurs. in Them. Att. ii. 15; Petiti, Legg. Att. p. 313—316.

6) Here see in particular Drumann, §. 561, sqq.

7) Demosth. de Corona, p. 245. 14: παρὰ γὰρ τοῖς Ἕλλησιν, οὐ τισὶν, ἀλλὰ πᾶσιν ὁμοίως, φορὰν προδοτῶν καὶ δωροδόκων καὶ θεοῖς ἐχθρῶν ἀνθρώπων συνέβη γενέσθαι — — οὓς συναγωνιστὰς καὶ συνεργοὺς λαβὼν ὁ Φίλιππος καὶ πρότερον κακῶς τοὺς Ἕλληνας ἔχοντας πρὸς ἑαυτοὺς καὶ στασιαστικῶς ἔτι χεῖρον διέθηκε, κ. τ. λ; conf. p. 241. 25, sqq., 324. 5; Phil. iii. p. 126—128; Diodor. xvi. 54, et plur. ap. Valcken. de Phil. indole, etc. (in Hemsterh. et Valcken. Oratt. (L. B. 1784), p. 241, note 20; Drumann ut sup. §. 35, sqq.; also B. G. Weiske, de Hyperb. in Hist. Philippi Spec. i. (Lips. 1818), p. 31, sqq.; and Wachsm. i. 2. §. 333, sqq.

CHAPTER IV.

A SURVEY OF THE GREEK COLONIES AND THEIR POLITICAL RELATIONS.

§. 73. The relations of Greek colonies to the parent states[1] differed in so many essential points from those which we have seen subsisting among Greek states in general, that they would demand a distinct consideration in a work of this description, even if the colonies had not departed from their home models of civil constitution as mentioned in the last chapter; a change that must of necessity occur in the case of infant states rising on a foreign soil. The application of the principles of Roman colonisation[2], or particular instances drawn from times when ambitious states laid claim to possession on the mere ground of relationship[3], has caused the real independence of the Greek colonies to be overlooked; but it was a generally received principle that their duties to the parent states corresponded to those of a daughter to her mother[4]. Hence it followed of course that they could not, except in extreme cases, make war on each other[5]; and that, in all matters of common interest, the colony gave precedence to the parent state; yet neither of these circumstances implied any sovereignty or permanent ἡγεμονία of the latter, or any right to trench on the political independence[6] of its offspring, nor any closer connection than that imposed by the ties of kindred.

1) Compare on this subject in general, Vales. ad Polyb. Exc. t. vii. p. 90, Schweigh.; Ez. Spanheim de U. et Pr. Numism. t. i. diss. ix. p. 559, sqq.; and, in particular, p. 580, sqq.; J. P. Bougainville, quels étoient les droits des métropoles grècques sur les colonies; les devoirs des colonies

envers les métropoles ; et les engagemens réciproques des unes et des autres? (Paris, 1745). Chr. G. Heyne de veterum coloniarum jure ejusque causis proll. ii., in his Opuscc. Acadd. t. i. p. 290—329. History of the colonisation of the free states of antiquity, applied to the contest between Great Britain and her American colonies, (1777); this was opposed by John Symmond, in Remarks upon an Essay, etc. (1777); Ad. Smith's inquiry into the nature and causes of the Wealth of Nations, t. iii. l. iv. c. 7). Sainte-Croix de l'état et du sort des colonies des anciens peuples, (Philadelphie, 1779); Barthélémy's Voy. du j. Anach. t. vii. tab. iv. D. H. Hegewisch, Geograph. und Histor. Nachiseten, die Colonien der Griechen betreffend, nebst Betrachtungen über die Veranlassungen, den Zustand, und die Schicksale dieser Colonien, (Altona, 1808,) particularly §. 140, sqq. Drumann's Geschichte des Verfalls der Gr. Staaten, §. 505—525. Müller's Æginetica, p. 45. Wachsmuth's Antiquities, i. 1. §. 102—104. Raoul-Roch. t. iii. p. 15—50.

2) For comparison with the Roman colonies, see Sigonius de ant. jure Ital. ii. c. 2—5. p. 624—688; Heyne de Romanorum prudentia in coloniis regendis, (Gött. 1781), in Opuscc. t. iii. p. 79—92; Creuzer's Abriss d. röm. Antiquit. p. 253, sqq.; J. C. W. A. Hopfensack de Roman. Munic. et Colon. (Duisb. 1825), and the same writer's Staatsrecht d. röm. Unterthanen, (Düsseldorf, 1829), §. 143—169.

3) As in the case of Thebes and Platæa, (Thucyd. iii. 61), of the Athenians and the states of Asia Minor, (Isocr. Paneg. c. 9), and others; compare on this subject, Raoul-Rochette, i. §. 45, sqq., and Wachsmuth, i. 1. §. 131, 132, who, however lay too much stress on the case of the Corinthians. Neither does Ægina (Herod. v. 83) afford a case in point.

4) Dionys. Hal. iii. 7: *ὅσης γὰρ ἀξιοῦσι τιμῆς τυγχάνειν οἱ πατέρες παρὰ τῶν ἐγγόνων, τοσαύτης οἱ κτίσαντες τὰς πόλεις παρὰ τῶν ἀποίκων.* Conf. Polyb. xii. 10. 3: *ὡς γονεῦσι πρὸς τέκνα,* and Poppo on Thucyd. t. i. part 2. p. 21.

5) Herod. viii. 22: *ἄνδρες Ἴωνες, οὐ ποιέετε δίκαια, ἐπὶ τοὺς πατέρας στρατευόμενοι,* Thucyd. i. 38: *οὐδ' ἂν ἐπεστρατεύομεν εὐπρεπῶς, μὴ διαφερόντως τι ἀδικούμενοι.* Conf. v. 106.

6) Thucyd. i. 34: *οὐ γὰρ ἐπὶ τῷ δοῦλοι ἀλλ' ἐπὶ τῷ ὅμοιοι τοῖς λειπομένοις εἶναι ἐκπεμπόμεθα.* Compare also Plat. de Legg. vi. p. 754. A.

§. 74. The perpetuity of these kindred duties was symbolically set forth by taking fire from the Prytaneum of the parent city[1], and particularly in a religious view by establishing in the new settlement the worship of the same deities[2], associating with them the founder as a hero[3]; also by participation in the principal festivals of the parent state, by deputations and contributions to them[4]; by adopting the same emblems on the coinage[5], and so forth. Ambassadors, and other members of the parent state, were distinguished at festivals, sacrifices, and on similar

occasions, by places of honour, and various other marks of respect[6]; according to one account[7], the office of high-priest in a colony was constantly filled from the mother country, just as a leader was sought from it whenever the colony itself formed new settlements[8]; the case of Potidæa, where the chief magistrate came annually from Corinth, seems to have been unique[9]; in a political point of view, the mother country and colony were properly quite distinct[10], and the former never interposed but on extraordinary emergencies, when its aid was implored against foreign enemies, or its mediation required in civil broils[11].

1) See Herod. i. 146, and Larcher, t. i. p. 440—444; Etymol. M. p. 694. 28; Schol. Aristid. Panath. t. iii. p. 43. Dind.; and, in addition to the authorities quoted, §. 56. n. 11, Casaub. ad Athen. xv. p. 700. D.; Spanheim ad Callim. h. in Cer. v. 129; Dissen. ad Pind. Nem. xi. 1. p. 477; Clavier, Hist. d. pr. temps, t. ii. p. 87; Hüllmann, p. 222, sqq.; in particular, p. 232; Wachsm. ii. 2. §. 118.

2) Vid. Spanheim de Usu, etc. p. 572, and numerous instances in Strabo.

3) See Herod. vi. 38; Thucyd. v. 11; Diodor. xi. 66; xx. 102, and a further account in Spanheim, p. 565, Raoul-Roch. i. p. 57; Goeller de situ Syracus. p. 24. The founder was buried in the forum, Schol. Pind. Olympion. i. 149; conf. Tafel, dilucc. Pind. ad Pyth. v. 87.

4) Diodor. xii. 30: *διὰ τὸ μόνους τῶν ἀποίκων μὴ πέμπειν τὰ κατειθισμένα ἱερεῖα τῇ μητροπόλει*, with Wesseling's note. Did all send *Ἀπαρχαί*? comp. Aristid. Eleusin. p. 416. t. i. Dind.; and a further account in Spanheim, p. 581; Raoul-Roch. i. p. 42; Wachsm. i. 1. §. 102. —So likewise the Carthaginians to Tyre, Polyb. xxxi. 20. 12; Curt. iv. 2.

5) Spanheim, p. 568, sqq.

6) Thucyd. i. 25: *οὔτε γὰρ ἐν πανηγύρεσι ταῖς κοιναῖς διδόντες γέρα τὰ νομιζόμενα, οὔτε Κορινθίῳ ἀνδρὶ προκαταρχόμενοι τῶν ἱερῶν, ὥσπερ αἱ ἄλλαι ἀποικίαι*, et Schol. in loc. On *προκατάρχεσθαι*, see Heyne, l. c. p. 326, coll. Buttm. Lexil. i. §. 102.

7) Schol. Thucyd. l. c. coll. Tac. Annal. ii. 53? See also Eckhel, Doctr. Numm. Vett. t. iv. p. 206.

8) Thucyd. i. 24; Strab. vi. p. 406. A.; Müller, Ægin. p. 53.

9) Thucyd. i. 56. The *Κυθηροδίκης* (iv. 53) is not a case in point.

10) Reciprocity of civil rights was always conditional, and the result of mutual compact. Polyb. xii. 10. 4.

11) Vid. Müller, Ægin. p. 45. n. n); Poppo, ubi sup.

§. 75. All this however, let it be remembered, holds good only in those colonies which did not arise from violent schism in the parent state[1], but were countenanced, prepared[2], and sent out by it with all due formalities[3], among which the sanction of an oracle was held to be indispensable[4]. Still we find that colonies would often acknowledge for their founders states of kin[5] to those from which they had really issued; and it could scarcely happen otherwise in the case of emigrations en masse. The usual object in founding a colony[6], was either to rid the state of some individual[7], or relieve it of a redundant population, cases of common occurrence in oligarchies; or the motives were commercial[8], as when it was desirable to afford protection and secure havens for commerce in remote seas and on inhospitable shores, to facilitate an acqaintance with the advantages or dangers of the spot, above all to open a market for trade with the natives, and either to rear or procure by tribute or plunder what it would otherwise be requisite to purchase. Hence nearly all colonies were planted on the coast[9], and very frequently found obstinate enemies in the inhabitants of the interior; if these were subdued there generally arose a class of Periœci[10]; many settlements fell sooner or later victims in the struggle[11], but most, from the advantages of their situation, struck root quickly and deep, and rose to a pitch of prosperity far surpassing that of their parent states; nay, many had bloomed and were on the decline before the latter had begun to develope their powers.

1) Serv. ad Virgil. Æn. i. 12: *est pars civium aut sociorum missa, ubi rempublicam habeant, ex consensu suæ civitatis aut publico ejus populi, unde profecta est, consilio. Hæ autem coloniæ sunt, quæ ex consilio publico, non ex secessione sunt conditæ.*

2) Liban. Argum. Demosth. de Cherson. p. 88:—*καὶ ἐλάμβανον πεμπόμενοι ὅπλα ἐκ τοῦ δημοσίου καὶ ἐφόδια.*

3) *Τὰ νομιζόμενα.* Herod. v. 42.

4) Cic. de Div. i. 1: *Quam Græcia coloniam misit —— sine Pythio aut Dodonæo aut Hammonis oraculo?* For a further account, see Spanheim ad Callim. H. in Apoll. p. 112, and Piotrowski de gravit. orac. Delph. p. 112, sqq., who however is too fond of his idea of a theocracy.

5) As in the instance of the Italiots and the Achæans. Polyb. ii. 39. 6

6) See Seneca, Cons. ad Helv. c. 6, and Barthèl. Voy. d'Anach. t. ii. p. 30.

7) As, for instance, Archias (Plut. Amat. Narr. c. 2); Timesias (Æl. Var. Hist. xii. 9; Plut. reip. ger. præc. c. 15); Dorieus (Herod. v. 42), and others.

8) On the commercial settlements of the Greeks in general, see Wachsm. ii. 1. §. 80, sqq.

9) Cic. de Republ. ii. 4: *Coloniarum vero quæ est deducta a Grajis in Asiam, Thraciam, Italiam, Siciliam, Africam, præter unam Magnesiam, quam unda non alluat?*

10) Comp. above, §. 19. n. 15—17; Strab. vi. 396. A. etc.

11) Thus the Greek settlers in Asia Minor succumbed to the Lydians, (Herod. i. 16—28); the Italiots to the Lucani, (Strab. vi. p. 390. B.); the Tarentines suffered much from the Iapyges, (Herod. vii. 170; Aristot. Polit. v. 2. 8; Diodor. xi. 52); the Chalcidonians from the Bythyni, (Plut. Qu. gr. 49); the Thracians for a long time prevented any settlement at Amphipolis, (Thucyd. i. 100; Schol. Æsch. de F. L. p. 755. Rsk.; comp. Clinton's Fasti, vol. ii. p. 26, sqq.

§. 76. The history of the colonies of Greece, like that of the mother country, commences with the invasion of the Heraclidæ and its consequences[1]; of those anterior to that period some are merely fabulous[2], and others, though acknowledged to have existed, being prior to the development of the Hellenic character, do not come within the scope of this treatise[3]. We therefore commence with the settlements which Penthilus and other descendants of Orestes[4], setting out from Bœotia[5] after the loss of the Peloponnesus, made, partly in Lesbos[6], Tenedos[7], and other small adjacent islands[8], and partly on the coasts of Mysia. Lesbos reckoned five cities, Mitylene, Antissa, Pyrrha, Eresus, and Methymna, all which Mitylene appears to have subsequently united under its government[9]; Æolis proper contained twelve[10], of which Cume, also called Phriconis[11], was the most important[12]. Besides these, many others were subsequently

founded from Lesbos and Cume[13] themselves, extending along the Troad[14] to Abydos[15], and along the opposite Thracian coast[16]. Magnesia on the Mæander was also considered an Æolian settlement[17], but, on the other hand, Smyrna, one of the twelve, passed at an early period into the hands of the Ionians[18].

1) Thucyd. i. 12: *πάντα δὲ ταῦτα ὕστερον τῶν Τρωϊκῶν ἐκτίσθη.* Conf. Strab. xii. p. 857. D. What is to be said of the colonies founded in Italy by the conquerors of Troy, as Arpi by Diomed? Strab. vi. pp. 434—436. coll. v. p. 328, sqq.; Justin. xii. 2; xx. 1, etc.; conf. Mazocchi ad Tabb. Heracl. p. 34; Goeller de situ Syrac. p. 286; Salentum by Idomeneus, see Varro quoted by Probus on Virg. Ecl. vi. 45; Petilia, Crimisa, etc., by Philoctetes, see Lycophr. v. 909; Strab. vi. p. 390. A.; Metapontum, by Epeus, according to Justin. xx. 2. coll. Aristot. Mir. Ause. p. 1161. B.; comp. Micali's Italia, i. p. 267, 268; Niebuhr's Rom. H. i. p. 153, sqq.; Raoul-Roch. ii. p. 303; and those in Asia Minor, founded by Calchas and Amphilochus in Pamphylia, Herod. vii. 91; Pausan. vii. 3. 4; by Podalirius in Caria, Pausan. iii. 26. 7; Stephan. Byz. s. v. *Σύρνα*, conf. Raoul-Roch. ii. p. 399.

2) Conf. Müller's Prolegg. §. 132, sqq.

3) Raoul-Roch. vols. i. ii. has given a detailed history of them all. Consult, in connection with his work, the Synchronismus der griechischen Colonisationem von Inachus bis auf Alexander d. Gr., nach R.-R. graphisch dargestellt von R. v. L.; (Berlin, 1830.) Is Pausanias correct in asserting the Œnotrian to have been the earliest, (viii. 3. 2)? See also Larcher, Herodote, t. vii. p. 405, sqq.

4) Pausan. iii. 2. 1; Vell. Paterc. i. 2. 6. Comp. Müller's Orchom. §. 477. Others make Orestes himself to have lead the expedition; see Hellanicus ap. Schol. ad Pind. Nemeon. xi. 43; and Tzetz. ad Lycophr. v. 1369, sqq.; Strab. xii. p. 872, sq., makes Orestes to have died in Arcadia (Herod. i. 67), whilst he asserts that Penthilus (the hero's illegitimate son, Pausan. ii. 8. 5,) went into Bœotia full twenty years before the invasion of the Heraclidæ; comp. ix. p. 616. A.; and Sturz ad Hellan. p. 48; Raoul-Roch. ii. p. 446, sqq.; Clavier, ii. p. 62; but especially, S. L. Plehn, Lesbiacorum liber, (Berl. 1826,) §. 38, sqq. But is this last author, again, correct in denying that Penthilus did not himself settle in Lesbos? Penthilidæ are found in that island at a late period; see Schneider ad Aristot. Polit. v. 8. 13.

5) Strab. ix. p. 617. B.: *ὥστε καὶ Βοιωτικὴν προσαγορευθῆναι*, comp. Thucyd. vii. 57; viii. 100. Whence the name Æoles, according to Etymol. M. p. 37. 20; conf. Müller's Orch. §. 390; according to others, *ὅτι ἀπὸ αἰόλων, ὅ ἐστιν ἐκ ποικίλων τινῶν καὶ μιγάδων ἀνθρώπων—συνεκροτήθη*; see Eustath. ad Dionys. Perieg. v. 820; and further details in Raoul-Roch. ii. 448, which Plehn, p. 40, adopts. But they were already Æolians from being Achæans, see above, §. 8. n. 10.

6) See the Life of Homer ascribed to Herodotus, c. 38: *ἀπὸ γὰρ τῆς εἰς Ἴλιον στρατείας—ἔτεσιν ὕστερον ἑκατὸν καὶ τριάκοντα Λέσβος ᾠκίσθη κατὰ πόλεις, πρότερον ἐοῦσα ἄπολις.* By Graïs, a descendant of Penthilus; comp. Strab. xiii. p. 873. A.; Pausan. iii. 2. 1; Meziriac. ad Ovid.

Heroid. ii. p. 370, sqq.; Raoul-Roch. iii. p. 37, sqq.; Plehn, l. c. p. 41. Vell. Paterculus places the settlement of Penthilus thirty-five years earlier, but also asserts that a second was made, (i. 4.)

7) See Herod. i. 151; Strab. xiii. p. 900. D.; Eustath. ad Dionys. Perieg. 536; and on the subject at large, Lud. de Hemmer Respublica Tenediorum e tenebris antiquitatum eruta numisque illustrata. (Hafniæ, 1735.)

8) Ἑκατόννησοι, Herod. ibid. On their number and names, see Strab. xiii. p. 919.

9) Thucyd. iii. 2; comp. Poppo, l. c. p. 442, sqq. This point is also illustrated by Dio Chrysost. Or. xlv. p. 517, where read Μιτυλήναιοι for Μιλήσιοι.

10) Herod. i. 149: Κύμη, ἡ Φρικωνὶς καλεομένη, Λήρισσαι, Νέον τεῖχος, Τῆμνος, Κίλλα, Νότιον, Αἰγιρόεσσα, Πιτάνη, Αἰγαῖαι, Μύρινα, Γρύνεια. αὗται ἕνδεκα Αἰολέων πόλιες αἱ ἀρχαῖαι· μία γάρ σφεων παρελύθη ὑπὸ Ἰώνων, Σμύρνη. Comp. Strab. xiii. p. 923, sqq.; and Raoul-Roch. iii. p. 41, sq.

11) Founded by Cleuas and Malaus, (Strab. xiii.p. 873. A.) twenty years after Lesbos (V. Homeri, c. 38;) named from Mount Phricion in Locris; see Strab. xiii. p. 922. B., where he likewise notices Larissa and Neonteichos; comp. Vit. Hom. c. 9.

12) That these twelve cities however composed a league, similar to that of the Ionians, holding their federal festivals and assemblies at the temple of Apollo Grynæus (Strab. xiii. p. 919. C. coll. Müller, Dor. i. p. 290) is a mere conjecture made by Ste.-Croix, des anc. gouv. féd. p. 156, which has been perhaps somewhat rashly repeated by Clavier (ii. 68), Raoul-Rochette (iii. 44), Müller (i. 262), and Schlosser (i. 1. §. 312). Compare Tittm. §. 672.

13) Raoul-Roch. iii. p. 128—138; Plehn, p. 44, sq. About thirty, according to Strab. xiii. p. 923, sq.

14) Such were the cities near Mount Ida (κεχωρίδαται γὰρ αὗται Herod. i. 151), αἱ Ἀκταῖαι καλούμεναι (Thucyd. iv. 52), Antander, Gargara, Assus (Pausan. vi. 4. 5), and others, comp. Xenoph. Hell. iii. 1. 16.—Strab. xiii. p. 895. B.: Λεσβίων ἐπιδικαζομένων σχεδόν τι τῆς πάσης Τρωάδος, ὧν δὴ καὶ κτίσματα εἰσὶν αἱ πλεῖστα τῶν κατοικιῶν. Did they found their claim on its having been conquered by Agamemnon? Herod. v. 94. We find Æolians at a subsequent period even in Ilium. Pausan. i. 35. 3; viii. 12. 5.

15) Ephor. ap. Strab. xiii. p. 896. B.; and Marx, p. 201.

16) Sestos (Herod. ix. 115); Ænos (Thucyd. vii. 57.) Will this serve to explain the account which states Penthilus to have settled in Thrace? Strab. xiii. p. 872. D.; but comp. Müller's Orchom. §. 386.

17) See Strabo, xiv. 957. C.; and, for a further account, Raoul-Roch. iii. p. 46—48. Has not this state been confounded with Magnesia ad Sipylum, by Ruhnk. ad Vell. Paterc. i. 4?

18) Being conquered by Colophon; see Herod. i. 150; Pausan. vii. 5, 4; comp. Plut. Qu. Symp. vi. 8. 1. It had originally been called Ephesus, Strab. xiv. p. 939, sq. Smyrna Melite, Vitruv. iv. 1; comp. Wachsm. i. 1. §. 114.

§. 77. These were the Ionians; who, on being expelled from the northern parts of the Peloponnesus, had taken refuge among their kinsmen in Attica[1]; whence, sixty years after the invasion of the Heraclidæ, they issued under the sons of Codrus[2] in search of new settlements. Whether those made at Chalcis and Eretria in Eubœa[3], under Cothus and Æclus, were connected with this emigration is not decided; indeed, as those cities appear to have been founded by Athens even before the Trojan war[4], they are perhaps rather to be reckoned among the original Ionian settlements. Delos[5], however, and the adjacent islands[6], received their Ionian population at the period of which we are treating, but the twelve Asiatic cities[7], Miletus, Myus, Priene in Caria, Ephesus, Colophon, Lebedus, Teos, Erythræ, Clazomenæ, Phocæa in Lydia, with Samos[8] and Chios[9], on the islands so called, were the chief Ionian colonies, and the name of the race was afterwards almost peculiar[10] to them, although they contained a great intermixture of Abantes[11], Minyæ[12], Cadmæans[13], Dryopians[14], Phocians[15], Molossians, Arcadians[16], Epidaurians[17], and others. The festival of the Panionia[18], held at the temple of the Heliconian Neptune[19] at Mycale, where matters of general interest were discussed[20], served as a bond of union, but generally speaking these cities were not only independent of each other, but often engaged in mutual hostilities[21].

1) Comp. above, §. 17. n. 20; and Clavier, ii. p. 69, sqq.

2) For their names and respective settlements, see Strab. xiv. p. 938, sq.; and Paus. vii. 2—4. Most of them are called *νόθοι*, Strabo makes Androcles to have been the chief, most other writers Neleus (not Νειλεὺς, see Sturz de Dial. Mac. p. 13, sq.) see Æl. Var. Hist. viii. 5, with the Notes of Periz., and further details in Spanheim ad Callim. H. in Dian. v. 226; Raoul-Roch. iii. p. 75, sqq.; some make Ion himself to have been chief! comp. Ruhnk. ad Vell. Paterc. i. 4; Clavier, ii. p. 83.

3) Raoul-Roch. ii. p. 432, sqq.

4) Strab. x. p. 685. B.: *ἀμφότεραι δὲ πρὸ τῶν Τρωϊκῶν ὑπ' Ἀθηναίων ἐκτίσθαι λέγονται, καὶ μετὰ τὰ Τρωϊκὰ Αἰκλὸς καὶ Κόθος ἐξ Ἀθηνῶν ὁρμηθέντες ὁ μὲν τὴν Ἐρετρίαν ᾤκησε, ὁ δὲ τὴν Χαλκίδα· καὶ τῶν Αἰολέων δέ τινες ἀπὸ τῆς Πενθίλου στρατιὰς κατέμειναν ἐν τῇ νήσῳ.* Comp. Vell. Paterc. i. 4. But Strabo had just before, p. 683. B. called them both brothers of Ellops, son of Ion, from whom he asserts that the island Ellopia derived its name, and, p. 495. A. he pronounces their names barbarian, (did he mean Pelasgian?) comp. also Plut. Qu. gr. c. 22: *Κόθος καὶ Αἶκλος οἱ Ξούθου παῖδες εἰς Εὔβοιαν ἦκον οἰκήσοντες, Αἰολέων τότε τὰ πλεῖστα τῆς νήσου κατεχόντων.* On this subject in general, see Pflugk rer. Euboic. spec. (Gedani, 1829.) Raoul-Roch. ii. p. 102, makes even the Abantes to have been Athenians.

5) See, in general, Sallier's hist. de l'isle de Delos in the Mém. de l'Acad. des Inscr. iii. p. 376, sqq.; and Dorville's Exercitatio, qua inscriptionibus Deliacis certa ætas assignatur et alia ad Delum spectantia obitur tanguntur et illustrantur, in Misc. Obss. t. vii. C. Schwenck's Deliacorum Partic. i. (Franc. ad M. 1825,) treats only of the names the island had borne.

6) Cyclades (*αἱ νῆσοι, αἳ τὴν Δῆλον ἐκυκλώσαντο*, Eustath. ud Dionys. Perieg. v. 525), in particular, Ceos, Cythnos, Seriphos, Siphnos, Rhenea, Paros, Syros, Naxos, Andros, Myconos. See Strab. x. p. 743, and more in Spanh. ad Callim. p. 376; Poppo, p. 271, sq.; the names of their respective *κτίσται* are given by the Scholiast. ad Dionys. l. l. p. 355, sq. ed. Bernh. Comp. Raoul-Roch. iii. 79, sq. On their *πανήγυρις* at Delos, see above, §. 11. n. 9; and Clavier, ii. p. 106, sqq., who however makes the first settlers in Delos to have been Dorians?

7) Herod. i. 142; Vitruv. iv. 1; Æl. Var. Hist. viii. 5. Conf. Poppo, p. 446—468; Wachsm. i. 1. §. 52.

8) Consult Th. Panofka's Res Samiorum, (Berl. 1822).

9) Γ. Χρυσηΐδου *Ἀρχαιολογία τῆς Χίου, λόγος ἐκφωνηθεὶς* — (*ἐν Χίῳ*, 1820); a treatise of little merit; consult Koray's *Χιακῆς Ἀρχαιολογίας ὕλην*, in his *Ἄτακτα*, vol. iii. (Paris, 1830).

10) Herod. i. 143: *οἱ μέν νυν ἄλλοι Ἴωνες καὶ οἱ Ἀθηναῖοι ἔφυγον τὸ οὔνομα, οὐ βουλόμενοι Ἴωνες κεκλῆσθαι· ἀλλὰ καὶ νῦν φαίνονταί μοι οἱ πολλοὶ αὐτέων ἐπαισχύνεσθαι τῷ οὐνόματι· αἱ δὲ δυώδεκα πόλιες αὗται τῷ τε οὐνόματι ἠγάλλοντο, κ. τ. λ.*

11) In Chios? See the confused accounts in Pausan. vii. 4. 6.

12) In Teos, ibid. 3. 3; compare Müller's Orchom. §. 399, sq.

13) Under Philotas in Priene, Paus. vii. 2. 7; Strab. xiv. 933, A.; whence also the name Cadme, see ibid. p. 943, C., and Hellan. p. 144, ed. Sturz.; comp. Raoul-Roch. iii. 87.

14) See above, §. 16. n. 6. We also find Ionians and Dryopians together at Carystus in Eubœa; Strab. x. p. 685, A.: *ὑπὸ τῶν ἐκ τετραπόλεως τῆς περὶ Μαραθῶνα καὶ Στυριαίων.* Compare Raoul-Roch. ii. p. 435.—May this be connected with the legend which makes the Dryopians to have been in Attica? (Aristid. Panath. t. i. p. 177. Dind.)

15) In Phocæa, Pausan. vii. 3. 6; later perhaps than the others. Compare Clavier, ii. p. 101.

16) Probably Cleonæans and Phliasians, who according to Paus. vii. 3. 5, formed the majority of the inhabitants of Clazomenæ.—Afterwards a considerable part of the city extended to an adjacent island; see Schneider

ad Xenoph. Hell. v. 1. 31. cum Add. p. 106; compare Aristot. Polit. v. 2. 12: *στασιάζουσι δ' ἐνιότε αἱ πόλεις καὶ διὰ τοὺς τόπους, ὅταν μὴ εὐφυῶς ἔχῃ ἡ χώρα πρὸς τὸ μίαν εἶναι πόλιν· οἷον ἐν Κλαζομεναῖς οἱ ἐπὶ Χύτρῳ* (Str. xiv. p. 955, sqq.) *πρὸς τοὺς ἐν νήσῳ· καὶ Κολοφώνιοι καὶ Νοτιεῖς, κ. τ. λ.* (on these see Thucyd. iii. 34, with Wasse's remarks).

17) Dorians, according to Herod. i. 146; but Clavier, ii. p. 85, and Raoul-Roch. iii. p. 76, with better reason, ascribe it to the Ionian Procles of Epidaurus, who, according to Paus. vii. 4. 2, took the island of Samos from the Leleges (descendants of Ancæus, Panofka, l. c. p. 11, sqq.)

18) Herod. i. 148; Str. xiv. p. 947, A. In the territory of Priene.—Also in Ephesus, Thucyd. iii. 104; Dion. Hal. iv. 25. But was not this at a later period?

19) From Helice, in Achaia; compare Str. viii. p. 589, C.; Diodor. xv. 49.

20) Herod. i. 141: compare Ste.-Croix sur les anc. colonies, p. 221, sqq., and des gouv. féd. p. 148, sqq.; Tittmann, §. 668, sqq.; Wachsm. i. 1. §. 114, who however asserts that councils were first held there in the Persian war. Is Herod. i. 170, on which he grounds this assertion, sufficient warrant for it?

21) Samos with Ephesus, Paus. vii. 4. 3; coll. Athen. vi. p. 267. A.? with Miletus in the war between Chalcis and Eretria (§. 11. n. 13), Herod. v. 99; with Priene, Plut. Qu. gr. 20; Priene with Miletus, ibid. and Schol. Aristoph. Pac. 359; Chios and Miletus against Erythræ, Herod. i. 18; Miletus and Erythræ against Naxos, Plut. Virt. Mull. p. 287, Polyæn. viii. 36; Myus with Miletus, id. viii. 35.

§. 78. We are unfortunately destitute of further particulars respecting the early history of these colonies, and the exact period at which they severally flourished[1]; favoured as they were by situation and climate, their power appears to have but too early decayed through luxury[2]. We know most of Miletus[3], particularly as regards its colonies, which Strabo extolled as the greatest wonder of its history[4]. The other Ionian settlements sent out theirs also[5], of which let it suffice to mention here Thasos, colonised from Paros[6]; Samothrace[7], and Perinthus[8] from Samos; Elæus from Teos[9]; and Lampsacus from Phocæa[10]; but none could boast, like Miletus, of being the mother of eighty daughters[11]. With the exception of Naucratis in Egypt[12], these lay nearly all on the coast of the Euxine and Propontis[13]; Cyzicus[14] and Sinope[15], (the latter itself the parent of Trapezus and

several other cities [16],) may be considered as the most ancient, but appear to have received reinforcements [17] from the mother country when the Cimmerians, on being expelled by the Scythians, overran all Asia Minor (B. C. 700) and the Greek settlements [18], without however causing them any permanent injury. Only a short time before that event, Miletus had founded Abydos and Proconnesus [19], and, thirty years after it, that state made several settlements on the very coasts of Scythia [20]. Of these, Istros, Tomi, and particularly Olbia or Miletopolis, on the Borysthenes [21], are the most celebrated. The colonies of Apollonia, Odessus, and others on the Thracian coast [22], with Theodosia and Panticapæum in the Tauric Chersonese [23], completed the circle of cities which won for the Pontus the appellation of the Hospitable instead of the Inhospitable [24], and continued down to a very late period seats of Greek civilisation and refinement in the midst of barbarism. The dates of their respective foundations cannot all be ascertained; some appear to have been settled but a short time before the conquests of Persia put an end to the freedom and prosperity of the Greek states of Asia Minor [25]; of so many at least as did not seek an asylum on other shores, as the Teians did at Abdera [26], and the Phocæans in Elea [27] and Massilia [28].

1) Herod. i. 142: *οἱ δὲ Ἴωνες οὗτοι, τῶν καὶ τὸ Πανιώνιόν ἐστι, τοῦ μὲν οὐρανοῦ καὶ τῶν ὡρέων ἐν τῷ καλλίστῳ ἐτύγχανον ἱδρυσάμενοι πόλιας πάντων ἀνθρώπων τῶν ἡμεῖς ἴδμεν.* Conf. Pausan. vii. 5. 2; Aristid. Panath. i. p. 160, Dind.

2) See Athen. xii. c. 26—31, coll. xiv. c. 19, 20; Barthél. Voy. d'Anach. t. vi. p. 136; Wachsm. i. 1. §. 72; also Geel's Anecdd. Hemsterh. §. 114.—*Πάλαι ποτ' ἦσαν ἄλκιμοι Μιλήσιοι*; conf. Hemst. ad Aristoph. Plut. v. 1003.

3) Compare Wasse's Exc. ad Thucyd. viii. 25 (ap. Poppo, l. c. p. 486—492); Fr. Eb. Rambach de Mileto ejusque coloniis. (Hal. 1790); G. Th. Soldan rer. Milesiar. Comm. i. (Darmst. 1829); A. Schröder rerum Milesiac. Particula i. (Stralsund, 1827).

4) Strab. xiv. p. 941, C.: *Πολλὰ δὲ τῆς πόλεως ἔργα ταύτης, μέγισ-*

τον δὲ τὸ πλῆθος τῶν ἀποίκων· ὅ τε γὰρ Εὔξεινος Πόντος ὑπὸ τούτων συνῴκισται πᾶς καὶ ἡ Προποντὶς καὶ ἄλλοι πλείους τόποι. Compare also Ephor. ap. Athen. l. c. p. 523. E.

5) Raoul-Roch. t. iii. p. 139—154.

6) Thucyd. i. 104; Strab. x. p. 745, C. About B. C. 720. Compare Raoul-Roch. iii. p. 226—232; Strabo, vii. p. 484, sqq., mentions other Parian colonies in Illyria (Pharos and others). Compare Marx. ad Ephor. p. 254.

7) Thucyd. iii. 3; Paus. vii. 4. 3, et plur. ap. Panofka, l. c. p. 21.—About 1000 years B. C.

8) Plut. Qu. Gr. 56; Scymn. Ch. v. 712; according to Syncellus, p. 238, D., who is followed by Raoul-Rochette, iii. p. 360, it was not earlier than 590, B. C.; Panofka, p. 22, makes it to have been settled at the same time as Samothrace. It was afterwards called Heraclæa. Compare Zosim. i. 62.

9) Scymn. Ch. v. 706.—Of Ephesus, according to Plut. Parellal. 41.

10) Charon Lampsac. ap. Plut. Virt. Mull. t. viii. p. 289, sqq. ed. Hutt.; comp. Creuzer's Antiq. Hist. Fgmm. p. 110—114. According to Strab. xiii. p. 881, B., from Miletus.(?) Raoul-Rochette (iii. p. 145) says it was a settlement from both.—About B. C. 650, according to Eusebius [f].

11) So Plin. Hist. N. v. 29; but the reading is uncertain. Seneca, Cons. ad Helv. c. 6, gives seventy-five as the number.

12) The date is uncertain. See Wyttenb. ad Plut. Morr. p. 907. According to Eus. it was just at the commencement of the Milesian Θαλασσοκρατία, B. C. 753; according to Strabo, xvii. p. 1153, C., under Psammetichus (about B. C. 660, comp. Herod. ii. 154), it was at first Μιλησίων τεῖχος, see J. R. Forster, ap. Rambach. l. c. p. 65, sqq.; and afterwards called Naucratis, (perhaps under Amasis, B. C. 550; compare Herod. ii. 178—180). Vide plur. ap. Raoul-Roch. iii. p. 165—168 [g].

13) V. A. Formaleoni, Storia filosofica e politica della navigazione, dell commercio, e delle colonie degli antichi nel mare nero. (Ven. 1788—89); comp. the Peripli Ponti Euxini of Arrian and Scymnus Chius (t. ii. p. 313—350, ed. Gail.); Amm. Marc. xxii. 8; also de Peyssonnel Observations hist. et geogr. sur les peuples barbares, qui ont habité les bords du Danube et du Pont-Euxin. (Paris, 1765); and Th. S. Bayeri Opuscula, ed. Chr. A. Klotz.—For details consult Schlosser, i. 1. §. 300, sqq.; Wachsm. i. 1. §. 56; and, on the connection between these settlements and the legend of the Argonauts, Müller, Orchom. §. 285, sqq.; coll. Schönemann de Geogr. Argonaut. (Gött. 1788).

14) Strab. xiv. p. 941, D., coll. xii. p. 861, sqq.; Plin. Hist. N. v. 32. Compare Wasse's Exc. ad Thucyd. viii. 107; (Poppo, l. c. p. 476—486); and also, in particular, Aristidis Panegyr. t. i. p. 381—400, ed. Dind.

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[f] B. C. 654. "The original foundation was by the Phocæans; the second colony was planted by the Milesians, to which we may refer the date of Eusebius." Clinton, F. H. in ann. 654. TRANS.

[g] "That Naucratis was already founded before B. C. 569, is proved by Herod. ii. 178."—Clinton, F. H. ann. 630. The English student will not fail to consult our great Chronologer throughout this work, particularly vol. i. in connection with this chapter on the colonies. Only vol. ii. of the Fasti had appeared when our author wrote. TRANS.

15) Xenoph. Anab. v. 9. 15; Str. xii. p. 821, A.; comp. Raoul-Roch. iii. p. 171, sqq.—On its situation, Polyb. iv. 56.

16) Xenoph. Anab. iv. 8. 23; v. 3. 2; Diodor. xiv. 30. They paid a land-tax to the parent state; Xen. v. 5. 10.—See more in Raoul-Roch. iii. 331, and consult F. P. Thrige's Historia Cyrenes, Part i. (Hafniæ, 1819).

17) Cyzicus, B. C. 683; Sinope, 632, according to Euseb., who also states that a settlement was first formed there B. C. 751. See Raoul-Roch. iii. p. 169, sqq., and what he has inferred (p. 329, sqq.) from Scymn. Ch. Frgm. v. 210—225, on the repeated[h] colonisation of Sinope. —He makes Amisus to have been settled about the same time; this however did not continue a pure Milesian colony. Strab. xii. p. 823, A.; conf. Rambach, l. c. p. 51.

18) Compare Herod. iv. 11, 12; Strab. i. p. 106, B.; xiii. p. 930, C.— According to Herod. i. 15, 16, they seized on Sardis under the reign of Ardys (B. C. 682—633), and were driven from Asia during that of Alyattes (B. C. 621—564). The Scythians bent their march towards Media, Herod. i. 103, sqq.—Are we, with Strabo (iii. p. 222, C.), to believe that a similar invasion had occurred before Homer's time? Compare Francke's Callinus, p. 89—117, and on the subject at large, Freret in Mém. de l'Acad. d. Inscr. t. xix. p. 577, sqq.; also Bayer in Comm. Acad. Petrop. t. ii. p. 419, sqq.

19) Under Gyges (B. C. 720—682); Strab. xiii. p. 883, D.; coll. 879, A.: Πρίαπός ἐστι πόλις ἐπὶ θαλάττῃ καὶ λιμήν· κτίσμα δ' οἱ μὲν Μιλησίων φασὶν, οἵπερ καὶ Ἄβυδον καὶ Προκόννησον συνῴκισαν κατὰ τὸν αὐτὸν καιρόν. Compare Wasse ad Thucyd. viii. 61; Raoul-Roch. iii. p. 253, sqq.

20) See Scymn. Ch. Frgm. v. 19, sqq., and more in Raoul-Roch. iii. p. 314, sqq.—Ephorus, ap. Ath. xii. p. 523, E., Μιλήσιοι ἕως μὲν οὐκ ἐτρύφων, ἐνίκων Σκύθας, bears upon this.

21) Also called Borysthenes, Strab. vii. p. 470, A.; compare Herod. iv. 18; Plin. Hist. N. iv. 26; but especially the delightful description in Dio Chrysost. Or. xxxvi.

22) Compare Strab. vii. p. 491, and more in Raoul-Roch. iii. p. 386, sqq. On Apollonia also, Per. ad Ælian. Var. Hist. iii. 17.

23) Strab. vii. p. 475, sqq.; compare Heyne, rerum Chersonesi Tauricæ memoria breviter exposita, 1787, in Opuscc. Acadd. t. iii. p. 384—397.— It was afterwards the seat of the Bosphoric kingdom of the Achæanactidæ (B. C. 480—432; Diodor. xii. 31), and of the dynasty of Spartocus (among whom was Leucon, 393—354; see Periz. ad Ælian. Var. Hist. vi. 13; Wolf. ad Demosth. Lept. p. 249, and on Theodosia in particular, p. 255; Wachsm. i. 2. §. 329), until Parysades ceded it to Mithridates. See Boze, des rois du Bospore Cimmérien, in Mém. de l'Acad. d. J. t. vi. p. 549, sqq. Cary, hist. des rois de Thrace et de ceux du Bospore Cimmérien éclairée par des médailles (Paris, 1752). Raoul-Rochette, Antiquités grècques du Bospore Cimmérien (Paris, 1822), coll. de Koehler, Remarques sur un ouvrage intitulé A. du B. C., and P. v. Köppen's Alterth. am Nordgestade des Pontus (Wien. 1823); Osanni Syll. Inscr. iii. p. 121, sqq. coll. Boeckh

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[h] "By Autolycus, in the fabulous times; by Ambron, B. C. 782; by Colis and Critines, B. C. 629, during the occupation of Asia by the Cimmerians." Clinton, F. H. i. ann. 629. TRANS.

ad C. Inscr. i. p. 145, sqq.; Clinton, F. H. vol. ii. p. 281—284; for the chronology, see also St. Allais, l'Art de vérifier les dates avant l'ère Chrétienne (Paris, 1819), t. iii. p. 28, and on the successors of Mithridates, J. Foy Vaillant Achæmenidarum imperium (Paris, 1725), p. 187, sqq.; Souciet de regina Pythodoride (Paris, 1737); Bayer in Comm. Acad. Petrop. t. v. p. 297, sqq.; Opuscc. p. 225, sqq.

24) Εὔξεινος πόντος, instead of ἄξενος, Strab. vii. p. 458. A. Can this have been a mere euphonism as Eustathius, ad Dionys. v. 146, and others pretend? Conf. Lindenbrog. ad Ammian. Marc. xxii. 8. p. 341. Gron.

25) Herod. i. 141, sqq.; vi. 18, sqq.; coll. c. 42.

26) Herod. i. 168. B. C. 543: the first settlement by the Clazomenian Timesias (B. C. 656) had fallen into decay. See, on this point in general, my Versuch einer urkundlichen Gesch. v. Abdera in the Allg. Schulzeitung, 1830, Nos. 63, 64.

27) In Herod. i. 167, (and on coins also,) Ὑέλη, afterward Ἐλέα, Strab. vi. p. 387; Lat. *Velia*, Gell. N. Att. x. 16; comp. Dionys. Hal. i. 20; and Mazocchi ad Tabb. Heracl. p. 516. See Fr. Münter's Velia in Lucanien, in an appendix to Hegewisch. (Altona, 1818.)

28) Thucyd. i. 13; Pausan. x. 8. 4. The foundation of the city was however still more ancient, see Aristot. ap. Harpocr. in v.: six hundred years B. C., and one hundred and twenty before the battle of Salamis, according to Timæus (ap. Scymn. Ch. 210, sqq.), Euseb., and Solinus, ii. 52. (Ol. xlv.) they ascribe its settlement to the increased intercourse of the Phocæans with the west; for their intercourse with Arganthonius king of Tartessus, see Herod. i. 163, and Tzschucke ad Pompon. Mel. ii. 6. 9. p. 551; see also Aristot. ap. Athen. xiii. p. 576; Plut. Vit. Sol. c. 2; Justin. xliii. 3, sqq.; and Raoul-Roch. iii. p. 404—425. On the history of this colony in general, consult P. Hendreich's Massilia, in Gron. Thes. t. vi. p. 2943—3006; Guys, Marseille ancienne et moderne (Paris, 1786); J. C. Johansen, vet. Massiliæ res et instituta (Kiliæ, 1818); A. Brückner, Hist. reip. Massiliensium (Gött. 1826).

§. 79. The Dorian colonies in like manner followed the Æolian and Ionian[1]. Those at Lyctus, Gnossus, and Gortyna in Crete, have been already noticed. Simultaneous with those settlements was the colonisation of Rhodes[2], which, according to tradition, had been peopled with Argives by the Heraclide Tlepolemus[3]. Its three cities, Lindus, Ialysus, and Camirus[4], which subsequently coalesced into one state[5], constituted, with Cos, Cnidus, and Halicarnassus, until the exclusion of the last from the league[6], the Doric Hexapolis, a confederacy which had for its point of union the temple of the Triopian Apollo on the Carian coast[7]. Of the other Dorian settlements in that

quarter some were formed from Rhodes, whose extensive commerce is attested by others in the remote west[8]. Others, as Selgæ and Sagalassus in Pisidia[9], claimed their descent, like Cnidus[10], directly from Lacedæmon. There are better reasons for considering that state to have been the parent of Melos[11] and Thera[12], although those islands were colonised chiefly by Achæans and Minyæ, the latter having sought shelter in Laconia[13], on being expelled from their original possessions in Lemnos by the Tyrrhenian fugitives from Attica. Theras, of the line of the Agidæ[14], lead the colonists, and from him one of the islands received the name Thera instead of that of Calliste which it had till then borne. From that island Battus founded Cyrene[15], B. C. 632, where his descendants were still reigning as late as B. C. 440[16].

1) On this subject in general, comp. Raoul-Rochette, iii. p. 59—74; 154, sqq.; Clavier, ii. pp. 109, 110; Müller's Dorians, i. p. 118, sqq.; Wachsm. i. 1. §. 50, 51.

2) Strab. xiv. p. 965. C.; comp. above, §. 20. n. 8; and Müller's Æginet. p. 41, sqq.

3) Homer. Iliad. ii. 653, sqq.; Diodor. iv. 58; v. 59, etc. Comp. Th. Menge's Vorgeschichte von Rhodos bis zur heraklidisch-dorischen Siedelung (Cölln, 1827); but see Müller's Dorians, i. p. 124, and Dissen. ad Pind. Olympion. vii. 32. In Cos also and its adjacent islands the Iliad recognises the presence of Heraclidæ, see above, §. 15. n. 10; and on the worship of Hercules at Cos, see Spanheim ad Callim. H. in Del. v. 160, sqq. On his worship at Lindus, M. W. Heffter, die Götterdienste auf Rhodus, part i. (Zerbst. 1827.)

4) Compare, on this subject, Meursii Rhodus, appended to his Creta, (Amst. 1675); Paulsen's Descr. Rhodi Maced. ætate (Gott. 1818); and Heffter's Geog. d. Insel. Rhodes (Brandenb. 1828).

5) B. C. 408; see Diodor. xiii. 75.

6) Herod. i. 144. It afterwards became the residence of the kings of Caria, (see Ste.-Croix sur la Chronologie des dynastes de Carie in Mém. de l'Inst. t. ii. pp. 506—586; Clinton's Fasti H. vol. ii. pp. 285—588; conf. Strab. xiv. p. 969, sqq.,) and was peopled with Leleges by Mausolus, xiii. p. 909. C.

7) Herod. l. c.; Dionys. Hal. iv. 25; conf. Ste.-Croix des gouv. féd. pp. 153—155; Tittmann, §. 671. On the local legends, see Boeckh. ad Schol. Pind. p. 315.

8) Strab. xiv. p. 967. A.: *καὶ πρὸ τῆς Ὀλυμπιακῆς θέσεως συχνοῖς ἔτεσιν.* Rhode in Iberia, for instance, and the Balearic isles.

9) Strab. xii. p. 855; conf. Polyb. v. 76. 11, and more in Raoul-Roch. iii. p. 407, sqq.; Müller's Dorians, i. p. 143, sq. For an account of all the reputed or real colonies from Sparta, see Meurs. Misc. Lacc. i. 7.

10) Herod. i. 174. Cos, on the other hand, with Nisyra, Calydna, and others, claimed their origin from Epidaurus; Halicarnassus and Myndus from Trœzen; Herod. vii. 99, coll. Strab. xiv. p. 970. A.; Pausan. ii. 30. 8. The Cnidian colonies were Lipara (Thucyd. iii. 88; Diodor. v. 9; conf. Göller de situ Syrac. p. x.) and Corcyra Nigra in Illyria (Strab. vii. p. 485).

11) Herod. viii. 48; Thucyd. v. 84, etc. Founded (according to Thucyd. v. 112) seven hundred years before its destruction by the Athenians, B. C. 416.

12) See Strab. x. p. 741. B., and more in Raoul-Roch. iii. 52, sqq.

13) See Herod. iv. 145, sqq.; Strab. viii. p. 534. A.; Pausan. vii. 2. 2; Conon ap. Phot. Cod. 186, narr. 36, and Müller, Orchom. §. 313, sqq., who has exhausted the subject.

14) Pausan. iii. 1. 7. The genealogy ran thus: Œdipus—Polynices—Thersander—Tisamenus—Autesion—Theras and Ægia, the mother of the first kings of Sparta, whose guardian accordingly Theras was. See Herod. iv. 147, with Valckenaer's Notes, and Boeckh. ad Pind. Olympion. ii. p. 115.

15) See Herod. iv. 150, sqq.; Pind. Pyth. iv., and Callim. H. in Apoll. v. 75, with the commentt.; Just. xiii. 7; Strab. xvii. p. 1194. B. Hence Dionys., Perieg. v. 213, calls them Ἀμυκλαίων γένος ἀνδρῶν. The date of its foundation varies between Ol. xxxvii. (Euseb.) and Ol. xlv. (Solinus, xxvii. 44, five hundred and eighty-six years after the fall of Troy.) The assertion of the Schol. on Pindar, l. c. that the dynasty of Battus lasted only two hundred years, favours the first mentioned date, i. e. B. C. 632.

16) On the genealogy of the Euphemidæ, see Boeckh. ad Pind. Expl. p. 265, sqq. Their dynasty contains four of the name of Battus, and four of Arcesilaus occurring alternately; Herod. iv. 158, sqq. coll. Heracl. Pont. c. 4. Consult on the subject at large, J. Hardion, Hist. de la ville de Cyrène, in Mém. de l'Acad. d. J. iii. p. 391, sqq.; J. P. Thrige res Cyrenes, part i. (Hafn. 1820,) iterum ed. S. N. J. Bloch (1828).

§. 80. The same was the case with the cities of Magna Græcia[1], of which, though Lacedæmon was reputed the common parent, only Tarentum[2] can be considered of really Spartan origin[3], and that on the authority of the legend of the Parthenii[4]. The connection of Sparta with the Epizephyrian Locrians[5] is not quite clear; it is said to have commenced with the Messenian war[6]. Although both their name and history indicate a totally different origin[7], they passed eventually for a Dorian settlement[8], and, as such, were assisted by Lacedæmon in the war with Cro-

tona, which was signalised by the victory at Sagra and its attendant wonders[9]. Pausanias derives the origin of both those cities immediately from Lacedæmon[10], for though Crotona[11] and its daughter-cities, Caulonia[12], Pandosia[13], and Terina[14], were considered by all antiquity to be Achæan colonies[15], nothing more could be meant than colonies of the original inhabitants of Laconia[16] led out by their Dorian conquerors[17]. Sybaris, however, was indisputably an Achæan city, founded, although particulars are not known, about the same time as Crotona[18]; the tie of kindred did not however in the least check the annihilating fury of the Crotoniats, who put an end[19] (B. C. 510) to the power and prosperity which Sybaris had then enjoyed for two centuries[20]. The fugitives from the ruined city found shelter in their colonies of Laus and Scidrus[21]; their return was long prevented by the jealousy of Crotona, until Pericles formed a new settlement[22] at Thurii, B. C. 444, colonists from which place and Tarentum soon afterwards built Heraclæa[23], on the site of the ancient Siris[24]. Metapontum also appears to have received an Achæan population from Thurii[25]. Another colony from ancient Sybaris was Posidonia, afterwards called Pæstum[26] by the Lucanians. In like manner the name of the Locrian colony Hipponium was altered to Vibo Valentia[27].

1) Μεγάλη Ἑλλάς: see Polyb. ii. 39; Strab. vi. p. 389. B., with Casaubon's note; and on the antiquity, extent, and duration of this name, see Ph. Cluver, Italia Ant.; A. S. Mazocchi, Comm. in æneas tabb. Heracleenses, (Neap. 1754,) p. 9, sqq.; and Avellino, Saggio sulla estensione della M. Grecia e sulle città in essa comprese; Sainte-Croix sur la législation de la Gr. Gr. in the Mém. de l'Acad. d. J. xlii. p. 286—333; C. G. Heyne's "Prolusiones xv. de civitatum Græcarum per M. Gr. et Sic. institutis et legibus," in his Opusce. Acadd. t. ii. pp. 3—298; Micali, l'Italia avanti il dominio dei Romani, (Firenze, 1821,) i. p. 261, sqq.; Niebuhr's Roman Hist. i. p. 153, sqq.; Wachsm. i. 1. §. 58; and especially the Numismatics of Hub. Goltz (Antw. 1618), p. 246—305; and Dom. Magnan, Miscell. Numism. (Romæ, 1772-74).

2) See Plat. de Legg. i. p. 637. B.; and Mazocchi, l. l. p. 89—99; Heyne, p. 214—232; Raoul-Roch. iii. p. 235—238; Müller's Dorians, i. p. 144; founded Ol. xviii. 2. B. C. 707. (Euseb.)

3) Under Phalanthus; see Antiochus and Ephorus ap. Strab. vi. p. 426, sqq.; Dionys. Hal. Frag. xvii. 1, 2; Justin. iii. 4, and more in Marx ad Eph. Frag. p. 156: conf. Manso's Sp. i. 2. §. 275, sqq. Were however the settlers the offspring of irregular marriages, or of slaves, (Schol. Hor. Od. ii. 6. 12), *ἐπευνακταί*, conf. Athen. vi. p. 271, C. coll. Diodor. Exc. Vat. p. 10. ed. Mai? On the question at large, consult Lorenz Diss. de orig. vett. Tarentinorum. (Berl. 1827); Jo. Juvenis de Antiq. et variâ Tarentinorum fortunâ libri viii. in the Italia Illustrata, seu rerum urbiumque Italicarum scriptores varii notæ melioris, (Francof. 1600,) p. 1219—1410, and in the Thesaurus Græcus Burmannianus, vol. ix. p. 5.

4) But see Strab. vi. p. 402. A.: *κάμψαντι γὰρ εὐθὺς αἱ τῶν Ἀχαιῶν πόλεις ἦσαν, αἳ νῦν οὐκ εἰσὶ πλὴν τῆς Ταραντίνων*: conf. Liv. xxv. 15; Ephorus (l. c. p. 428. D.) says the Parthenii found Achæans already established there.

5) See, in general, Heyne, l. c. pp. 46—61; Raoul-Roch. iii. p. 193, sqq.

6) See, on the discrepancy of Aristotle and Timæus, Polyb. Exc. l. xii. c. 5, sqq.; and now especially the Exc. Vat. p. 384. Mai; coll. Dionys. Perieg. v. 366, *σφετέρῃς μιχθέντες ἀνάσσαις*, and so also Eustath.: Niebuhr says (R. H. vol. i. p. 155,) "the story about the origin of the founders of Locri, and of the colony which Phalanthus is said to have settled at Tarentum in Ol. xviii. 1, as well as that about the followers of Teras, induce us to suspect that the sons of marriages contracted where no right of intermarriage existed between the parties, were at that time disturbing the peace of several of the aristocratical republics, and that measures were taken for sending them to a distance." Hence it was that in these settlements the nobility traced their descent by the female line, *ἀπὸ τῶν ἑκατὸν οἰκιῶν*, Polyb. xii. 5. 7; conf. Wyttenb. ad Plut. de S. Num. v. p. 66; Müller's Orchom. §. 167.

7) Were they from the Locri Ozolæ, or Locri Opuntii? Strab. vi. p. 397. C.: *Λοκρῶν ἄποικοι τῶν ἐν τῷ Κρισσαίῳ κόλπῳ μικρὸν ὕστερον(!) τῆς ἀπὸ Κρότωνος καὶ Συρακουσῶν κτίσεως ἀποικισθέντες ὑπὸ Εὐάνθους· Ἔφορος δ' οὐκ εὖ, τῶν Ὀπουντίων Λοκρῶν ἀποίκους φήσας.* But comp. Marx ad Eph. p. 150; Raoul-Roch. ii. p. 319, sqq.; Boeckh. ad Pind. Expl. p. 188. Or are we to assume the fact of two colonies? In that case, which of them will fall Ol. xxiv. 2. (Euseb.) B. C. 683?

8) Müller's Dorians, i. p. 146; ii. p. 243.—Strab. vi. p. 414. B., and Scymn. Ch. v. 277, recognise Dorians at Zephyrium even prior to the foundation of Syracuse.

9) Pausan. iii. 3. 1, and at all events, Ol. x. or xi.

10) Diod. Exc. Vat. p. 12; Justin. xx. 2, 3; conf. Strab. vi. p. 400. B., and more in Heyne, l. c. p. 184; Lindem. ad Vitt. Hemst. et Ruhnk. (Lips. 1822) p. 35; Meinek. ad Menandr. p. 17.

11) Heyne, l. c. p. 176—195; Raoul-Roch. iii. p. 185, sqq. Strabo says this settlement was made simultaneously with that of Syracuse; the common account (Dionys. Hal. ii. 59, and the Armen. Euseb.) place it, Ol. xvii. 3. (B. C. 710). For its situation, see Liv. xxiv. 3.

12) Scymn. v. 317; comp. Strab. vi. p. 401. A.; Pausan. vi. 3. 5; according to whom however it would seem to have been founded from Achaia direct. See Heyne, p. 203; Raoul-Roch. iii. p. 189, sqq.; Poppo ad Thucyd. t. i. part ii. p. 551.

13) Scymn. v. 325; comp. above, §. 15. n. 8, and Mazocchi, l. c. p. 101—105, who assumes that there were two colonies of the name.

14) Scymn. v. 304, and more in Heyne, p. 202; Raoul-Roch. iii. p. 192.

15) Herod. viii. 47; Polyb. ii. 39. 6; Scymn. v. 322.

16) Supposing the legend of the Lacedæmonian origin of the Sabines to be true, (Dion. Hal. ii. 49; conf. Niebuhr. R. H. i. p. 102,) on which the Gens Claudia rested their claim as patrons of Sparta, (Sueton. Tib. c. 6,) the occurrence of the name Amyclæ on the Sabine coast would countenance this hypothesis. See Serv. ad Virg. Æn. x. 564; Erasm. Adagg. Chil. p. 232. A.; Raoul-Roch. iii. p. 112, and the commentt. on Tac. Ann. iv. 59.

17) See Müller's Dorians, i. p. 146, who even makes the founder Myscellus to have been a Heraclide, following Ovid. Metam. xv. 20. According to Strabo, however, viii. p. 593. C., he was from Rhypæ in Achaia, (Diod. Exc. Vat. p. 8: says Μύσκελλός τις Ἀχαιὸς ὢν τὸ γένος ἐκ Κρήτης?) A further account of him may be seen in Strab. vi. p. 402, sqq.; 414. A.; conf. Heyne, l. c. p. 179, and the commentt. on the proverb: Κρότωνος ὑγιέστερος (Schol. Aristoph. Equ. 1087; Meinek. ad Menandr. p. 107).

18) According to Euseb.—Comp. Scymm. Ch. v. 325, sqq.; Strab. vi. p. 403, sqq.; and for a further account see Heyne, l. c. p. 126, sqq.; Raoul-Roch. iii. p. 241, sqq.

19) See Strab. and Diod. ll. cc.; the more immediate cause of the catastrophe (the ἄγος of Telys) is variously related: see also Aristot. Polit. v. 2. 10; Athen. xii. 21; and more in Wyttenbach ad Plut. S. Num. v. p. 65.

20) See, besides the authorities already given, Diodor. xii. 9; Athen. xii. 15—21. Strabo: τοσοῦτον δ' εὐτυχίᾳ διήνεγκεν ἡ πόλις αὕτη τὸ πλέον, ὥστε τεσσάρων μὲν ἐθνῶν τῶν πλησίον ὑπῆρξε, πέντε δὲ καὶ εἴκοσι πόλεις ὑπηκόους ἔσχε, τριάκοντα δὲ μυριάσιν ἀνδρῶν (so likewise Jambl. V. Pythag. §. 260; but Scymn. v. 340, only 100,000) ἐπὶ Κρωτωνιάτας ἐστράτευσαν, πεντήκοντα δὲ σταδίων κύκλον συνεπλήρουν οἰκοῦντες ἐπὶ τῷ Κράθιδι.

21) Herod. vi. 21; conf. Strab. vi. 388. B.; Mazzochi, p. 502.

22) Diodor. xii. 10. sqq.; conf. Andoc. c. Alcib. c. 12, and more in Bentley, Opuscc. p. 359, ed. Lips.; Heyne, l. c. p. 138, sqq; Raoul-Roch. iv. p. 33, sqq; Clinton's F. H. vol. ii. p. 54; Wachsm. i. 2. § 98.

23) Strab. vi. p. 405. C. D.—Diodor. xii. 36. mentions only the Tarentines.—Ol. lxxxvi. 4.

24) Though not exactly on the same site, Strab. l. c. p. 405. A.: ποταμοὶ δύο πλωτοὶ Ἄκιρις καὶ Σίρις, ἐφ' οὗ πόλις ἦν ὁμώνυμος Τρωϊκή (conf. Athen. xii. p. 523. C. and the commentt. on Herod. viii. 62; Goeller, de situ, etc. p. 290; Raoul-Roch. ii. p. 325, sqq.; Müller, Ægin. p. 69; afterwards, about Ol. xxv., some Colophonians settled there, comp. Niebuhr, R. H. i. p. 157) χρόνῳ δὲ τῆς Ἡρακλείας ἐνταῦθεν οἰκισθείσης ὑπὸ Ταραντίνων, ἐπίνειον αὕτη τῶν Ἡρακλεωτῶν ὑπῆρξε κ. τ. λ.; conf. Mazocchi, l. c. p. 64, sqq.; Heyne, p. 235, sqq.

25) Strab. vi. p. 406. A.: ἠφανίσθη δ' ὑπὸ Σαυνιτῶν· Ἀντίοχος δὲ φήσιν, ἐκλειφθέντα τὸν τόπον ἐποικῆσαι τῶν Ἀχαιῶν τινὰς, μεταπεμφθῆναι δὲ κατὰ μῖσος τὸ πρὸς Ταραντίνους τῶν Ἀχαιῶν ἐκπεσόντων ἐκ τῆς Λακωνικῆς, referring to an earlier settlement than that mentioned by

Heyne, p. 209, and Raoul-Roch. iii. p. 39, who make the first founders to have been from Thurii; in which case we must only understand the Sybarites who were expelled from that colony, Aristot. Polit. v. 2. 10: for Scymn. Ch. v. 328, and Liv. xxv. 15, both call it an Achæan state.

26) Strab. v. p. 384. C.; comp. Pasqu. Magnoni de Pæsti origg; Mazocchi, p. 498—515; Joann. Crosse, comm. brevis qua in Pæsti, antiquissimæ Lucaniæ civitatis, origines et vicissitudines inquiritur, (Halis, 1768,) and Major's Ruins of Pæstum, etc. (Lond. 1768.)

27) Strab. vi. p. 393, sq.

§. 81. Next in antiquity[1] and renown to these colonies, which may almost all be considered as resulting either immediately or ultimately from the Dorian conquest of the Peloponnesus, were those planted by the Ionian cities of Eubœa, whose importance and prosperity is attested by the interest which all Greece, according to Thucydides[2], took in a war between Chalcis and Eretria, previous to the conquest of the former by Athens[3], and the destruction of the latter by the Persians[4]. Of those colonies Chalcis founded by far the greater number, some beyond the western seas, others on the Thracian coasts[5]; Eretria also[6] had settlements on the latter about Mount Athos and in the district of Pallene, but those of Chalcis so far preponderated that, although colonies from other states were formed in the same territory, as, for instance, Stagirus and Acanthus from Andros[7], the whole peninsula situate between the Thermaic and Strymonic gulfs obtained the common name of Chalcidice[8]; at a later period we find Olynthus[9] at the head of a confederacy of thirty-two[10] of its cities. The islands Ios, Seriphus, Peparethus, and others, were also called Chalcidian colonies[11].

1) Strab. x. p. 685. C.: ἱστάλησαν δὲ αἱ ἀποικίαι αὗται, καθάπερ εἴρηκεν Ἀριστοτέλης, ἥγνικα ἡ τῶν Ἱπποβοτῶν (§. 57. n. 2) ἐπεκράτει πολιτεία. Raoul-Roch. iii. p. 198, sqq. places them Ol. x. 1. B. C. 740.

2) I. 15. See above, §. 11. n. 13.

3) Herod. v. 77; Ælian. V. Hist. vi. 1; comp. Wachsm. i. 1. §. 323. About Ol. lxviii. B. C. 506.

4) Herod. vi. 101; Plat. Menex. p. 240. B.; de Legg. iii. p. 698. D. (B. C. 490). It was however afterwards restored. Comp. Strab. x. p. 687. C.

5) *Τὰ ἐπὶ Θράκης χωρία*, comp. Gatterer de Thracia Herodoti et Thucydidis (Comm. Gött. a. 1781, sqq.) t. vi. p. 5—9; Gail, le Philologue, P. 3. p. 315—335; Poppo Prolegg. Thucyd. t. i. P. 2. p. 346; Schæfer Appar. crit. et exeg. ad Demosth. t. i. p. 535; Weiske de hyperb. in hist. Phil. P. 3. p. 11; Vœmel, Prolegg. ad Demosth. Philipp. p. 23.

6) Strab. x. p. 685. C. Mende, for instance, see Thucyd. iv. 123, with Ducker's notes, and Raoul-Roch. iii. p. 204. Was Scione also founded by Eretrians? (Thucyd. iv. 120.) According to Plut. Quæst. Gr. ii., they settled Methone in the Thermaic gulf.

7) Thucyd. iv. 84. 88; coll. Plut. Quæst. Gr. 30. Founded Ol. xxxi. according to Eusebius.

8) See Mannert's Geogr. d. Gr. und R. vii. p. 344—465; Poppo, l. c. p. 344—375.

9) Thucyd. i. 58; Xenoph. Hell. v. 2. 12; comp. Tittman, §. 733, and Vœmel de Olynthi situ, civitate, potentia et eversione (Franc. ad M. 1827,) or his Prolegg. ad Demosth. Philipp. Orat. V. (Franc. 1829.)

10) Demosth. Philipp. iii. p. 117. 21. They subsequently shared the fate of Olynthus when it was destroyed by Philip of Macedon, (Ol. cviii. 2. B. C. 347; Diodor. xvi. 53,) and first reappear at the settling of Cassandria, (Ol. cxvi. 2. B. C. 315; Diodor. xix. 52; Pausan. v. 23. 2).

11) Scymm. Ch. v. 585.

§. 82. But the most ancient of the Chalcidian, and indeed of all the western Greek settlements, was Cuma in the territory of the Opici[1], or rather originally on the Insulæ Pithecusæ, whence it subsequently extended to the mainland[2]. From it issued the other Chalcidian establishments in that neighbourhood[3], of which however only Dicæarchia[4] and Naples[5] appear in history as Greek cities. The history of Cuma, if the episode of the tyrant Aristodemus[6] be excepted, is involved in great obscurity[7]; the progress of the Samnite arms put an end[8] to its independence B. C. 421. Rhegium[9] is mentioned as a second Chalcidian colony in Italy, but not only did it contain a considerable admixture of Messenians, who on several occasions took refuge in it[10] after the conquest of their own country, but its government continued entirely in the hands of an oligarchy of that nation until Anaxilaüs made himself tyrant[11]. Notwithstanding the nu-

merous vicissitudes these colonies experienced[12], they, next to Tarentum and Naples[13], continued longest, as Strabo testifies[14], to be the seats of Greek influence and manners in Italy, whilst their sister cities had all either fallen victims to the relentless policy of the tyrants of Syracuse, or sunk beneath the attacks of the Lucanians and Bruttians[15].

1) Vell. Paterc. i. 4: *nec multo post Chalcidenses, orti, ut prædiximus, Atticis, Hippocle et Megasthene ducibus, Cumas in Italia (ἐν Ὀπικίᾳ,* Thucyd. vi. 4) *condiderunt.* Comp. Liv. viii. 22; Dion. Hal. vii. 3, who adds the Eretrians, as does also Serv. ad Virg. Æn. iii. 441. There is a different account in Strab. v. p. 372. B.: *Κύμη Χαλκιδέων καὶ Κυμαίων παλαιότατον κτίσμα· πασῶν γὰρ ἐστι πρεσβυτάτη τῶν τε Σικελικῶν καὶ τῶν Ἰταλιωτίδων. Οἱ δὲ τὸν στόλον ἄγοντες Ἱπποκλῆς ὁ Κυμαῖος καὶ Μεγασθένης ὁ Χαλκιδεὺς διωμολογήσαντο πρὸς σφᾶς αὐτοὺς, τῶν μὲν ἀποικίαν εἶναι, τῶν δὲ τὴν ἐπωνυμίαν· ὅθεν νῦν μὲν προσαγορεύεται Κύμη, κτίσαι δ' αὐτὴν Χαλκιδεῖς δοκοῦσι:* which is utterly irreconcileable with Eusebius' statement that it was founded 131 years after the fall of Troy. Ancient authors had recourse to two expedients in order to escape from this difficulty, some, as Scymn. Ch. v. 235. made the Æolians arrive there from Cuma at a later period, and others, see Steph. Byz. in v., adopted the hypothesis of a Cuma in Eubœa. The first are followed by Salmas. ad Solin. p. 72; Cluver, Italia ant. t. ii. p. 1104; Raoul-Roch. iii. p. 110, sqq.; the other view is preferred by Cam. Pellegrino Apparato alle antichità di Capua, ovvero discorsi della Campania felice (Neap. 1651, and again in 2 vols. 1771; and translated into Latin by Alex. Ducker in Græv ius' and Burmann's Thes. Ant. Ital. t. ix. p. 2) Diss. ii. c. 15, where the author appeals to Strab. x. p. 685. B.: *καὶ τῶν Αἰολέων δέ τινες ἀπὸ τῆς Πενθίλου στρατιὰς κατέμειναν ἐν τῇ νήσῳ.* It is particularly supported by J. Martorelli delle antiche colonie venute in Napoli, (under the title of il Duca Mich. Vargas Macciuca, (Neap. 1764,) t. ii. p. 15, sqq. This author however goes so far as to make Naples itself to have been settled from the Eubœan Cuma. On the same side is Clavier, ii. p. 247, coll. p. 67.—It is best to conclude with Niebuhr, R. H. vol. i. p. 154, "The remote age attributed to Cuma is certainly a fiction; but the epoch of its foundation we have no means of determining."

2) Liv. l. c.: *Classe, qua advecti ab domo fuerant, multum in ora maris ejus, quod accolunt, potuere (Cumani). Primo in insulas Ænariam et Pithecusas egressi deinde in continentem ausi sedes transferre.* Conf. Strab. v. p. 379. C.: *τοῦ μὲν οὖν Μισηνοῦ πρόκειται νῆσος ἡ Προχυτή, Πιθηκουσῶν δ' ἐστὶν ἀπόσπασμα. Πιθηκούσας δ' Ἐρετριεῖς ᾤκησαν καὶ Χαλκιδεῖς, εὑτυχήσαντες δὲ—ἐξέλιπον τὴν νῆσον κατὰ στάσιν κ. τ. λ.*—On the Pithecusæ and the Myths connected with them (of the Arimi, etc.) see Heyne's Exc. ad Virgil. ix. 716, t. iii. p. 398, sqq.; Wernsdorf's Exc. ad Lucil. Ætn. iii. 356. t. iv; Creuz. ad Hist. antiq. Fragm. p. 166—170; Boeckh. ad Pind. Pyth. i. p. 229.

3) Raoul-Roch. iii. p. 117—123. Justin. xx. 1, calls Nola and Abella Chalcidian, see, in general, Strab. v. p. 371. B.: *οἰκούντων Ὀπικῶν πρότερον καὶ Αὐσόνων . . . κατασχεῖν ὕστερον Ὄσκων τι ἔθνος· τούτους δ' ὑπὸ Κυμαίων, ἐκείνους δ' ὑπὸ Τυρρηνῶν ἐκπεσεῖν,* (were these the

Etruscan or Pelasgian branch? see, on the one hand, Niebuhr, R. H. vol. i. p. 39, sqq. coll. 108, sqq.; and, on the other, Müller, Etrusker, i. §. 167, sqq.) Rosini, indeed, Diss. Isag. ad Voll. Hercul. (Neap. 1797) p. 31, rejects the authority of Strabo just quoted. Pausan. vii. 21. 5, also derives Tritæa in Achaia from Cuma!

4) Ἐπίνειον Κυμαίων, it was probably in the possession of the Samians, Ol. lxiv. 4.; see Euseb. and Steph. Byz. s. v. It was afterwards called Puteoli, comp. Liv. xxxiv. 45. a. u. c. 558. See Strab. v. p. 376, and a further account in Pellegrino, l. c. ii. 18.

5) At first called Parthenope (is there reason to think the first settlement was from Rhodes? comp. Strab. xiv. p. 967. A.; Raoul-Roch. ii. p. 329). See Plin. and Solin. Polyh. ii. 9. From what time was it called Νεάπολις? Strab. v. p. 377. A.: *μετὰ δὲ Δικαιαρχίαν ἐστὶ* Νεάπολις Κυμαίων· *ὕστερον δὲ καὶ Χαλκιδεῖς ἐπῴκησαν καὶ Πιθηκουσαίων τινὲς καὶ Ἀθηναίων, ὥστε καὶ* Νεάπολις *ἐκλήθη διὰ τοῦτο*: comp. Liv. viii. 22: *Palæpolis fuit haud procul inde, ubi nunc Neapolis sita est; duabus urbibus populus idem habitabat; Cumis erant oriundi;* and see more particularly Pellegrino, ii. 21; J. C. Capacii Hist. Neapolitanæ L. ii. (Neap. 1605 and 1771) t. i. p. 35, sqq.; and Burm. Thes. Ant. Ital. t. ix. p. 1—3.

6) Ἀριστόδημος ὁ μαλακὸς, (circ. B. C. 500,) Dionys. Hal. vii. 4—12; conf. Liv. ii. 38; Diodor. Frag. lib. vii. t. 4. p. 16. Bip.; Plut. Virt. Mull. t. viii. p. 305. ed. Hutt.

7) Hence it is not always certain which Cuma is spoken of; comp. Ebert's Diss. Sicc. p. 14. On the victory won by Hiero over the Etrurians, Ol. lxxvi. 3, see Diod. xi. 51; and comp. Boeckh. ad C. Inscr. t. i. p. 34.

8) Diod. xii. 76; Dionys. Hal. Exc. xv. 6. p. 2318. Rsk., four years later, according to Livy, iv. 44. See also Strab. v. p. 373. A., who adds; *ὅμως δ' οὐν ἔτι σώζεται πολλὰ ἴχνη τοῦ Ἑλληνικοῦ κόσμου, κ. τ. λ.* coll. Liv. xl. 42. extr.

9) Diodor. xiv. 40; Strab. vi. p. 395. B.: *κτίσμα δ' ἐστὶ τὸ Ῥήγιον Χαλκιδέων, οὓς κατὰ χρησμὸν δεκατευθέντας τῷ Ἀπόλλωνι δι' ἀφορίαν* (*ver sacrum*, see Dionys. Hal. i. 16. coll. 23, and more in Raoul-Roch. t. i. p. 16, sq.) *ὕστερον ἐκ Δελφῶν ἀποικῆσαι δεῦρό φασι, παραλαβόντας καὶ ἄλλους τῶν οἰκόθεν*; conf. Heracl. Pont. c. 25; Diodor. Exc. Vat. p. 11; Dionys. Hal. Frag. xvii. 3; and, on the subject at large, Heyne, l. c. p. 271, sqq.; Raoul-Roch. iii. p. 277, sqq.; Poppo, l. c. p. 555.—Mazocchi, p. 550, asserts that it should be called Regium. The same orthography is strongly advocated by Morisani, Inscr. Rhegin. (Neap. 1770,) p. 309.

10) According to Strabo, l. c. coll. Pausan. iv. 23. 3, there were three several migrations of Messenians to Rhegium; at its first foundation, Ol. ix. 2, B. C. 743,—after the first Messenian war, Alcidamidas being king of Rhegium, Ol. xiv. 1.—after the second, in the reign of Gorgus and Manticles, Ol. xxviii. 1. B. C. 668.

11) Strab. vi. 395. D.: *διόπερ οἱ τῶν Ῥηγίνων ἡγεμόνες μέχρι Ἀναξίλα τοῦ Μεσσηνίων γένους ἀεὶ καθίσταντο*; conf. Aristot. Polit. v. 10. 4; and a further account of Anaxilaüs in Bentl. Opusec. p. 233—240. ed. Lips.: Fréret. Mém. de Lit. t. x.; Larcher, Hérodote, t. v. p. 356; Boeckh. ad Pind. Pyth. ii. p. 241; Jacobs in Böttiger's Amalthea, i. §. 199. He

flourished, Ol. lxx—lxxv., and not Ol. xxviii., as Pausanias asserts, l. c.: or are we to admit two of the name as Micali, iii. p. 198, and some others have done?

12) From the Iapygians, Ol. lxxvi. 4; Herod. vii. 170; Diodor. xi. 52; from the elder Dionysius, Ol. xcviii. 2; Strab. vi. 397. A.; Diodor. xiv. 111; from the Campanian garrison under Decius Jubellius, B. C. 271; Strab. l. c.; Polyb. i. 7; Dionys. Hal. Exc. xx. 7; Diodor. Frag. l. xxii. t. ix. p. 289. Bip.

13) On the permanent Greek character of Naples, see Strab. v. p. 377. B.; Varro L. L. v. 15; Sil. Ital. xii. 28. Particulars bearing on the same point may be seen in Ignarra de Palæstra Neapolitana (Neap. 1770), and in his work de Phratriis (Neap. 1797). But see especially J. Martorelli de regia theca calamaria, Neap. 1756,) ii. p. 407, sqq.

14) vi. p. 389. B.

15) See Micali, t. iii. p. 235, sqq.; and on Agathocles, t. iv. p. 8, sqq.; Niebuhr, R. H. i. p. 159. On the battle fought at Laos, Ol. xcvii. 3, B. C. 390, see Strab. vi. 388. B.; Diodor. xiv. 101. The Bruttians (Strab. p. 392. B.; Diodor. xvi. 15; Justin. xxiii. 1) were engaged, Ol. cvi. 1. B. C. 356, but comp. Mazocchi, p. 538, sqq.; Dindorf. ad Aristoph. Fragm. p. 244.

§. 83. The first Greek colonists of Sicily[1] were also Chalcidians, and their earliest settlements there are said to have been Naxos[2], and its daughter cities Leontini and Catana[3]. The Naxians, according to Strabo[4], also founded Zancle, but Thucydides[5] ascribes it to Cumæan freebooters who being subsequently reinforced from Chalcis, and the rest of Eubœa, spread along the northern shore of the island. The foundation of Himera in particular was ascribed to them[6]. They afterwards invited to their fair shore[7] their kinsmen in Asia Minor[8], when hard pressed by the Persians; the Samians and Milesians accepted the invitation, but had the baseness to expel the Zanclæans from their city and seize it for themselves: they were however in turn expelled by Anaxilaüs of Rhegium, who made it over to the Messenians, from which time it was reckoned a Dorian city[9], and was called Messana. It appears to have again changed masters more than once[10], but continued to flourish, and retained its name, down to the Roman conquest of Sicily, and, though it never

equalled Catana[11], it by far surpassed in prosperity both Tauromenium, which had sprung up on the site of Naxos[12] after the latter had been destroyed by Dionysius, and the Leontini, a colony which had been constantly depressed by its close connection with Syracuse[13]. The other Chalcidian cities[14] disappeared without leaving a trace behind; the Carthaginians seized on Himera[15], and after a time formed a settlement there called Thermæ[16].

1) On the first inhabitants of Sicily—Cyclops and Læstrygons—Sicani—Siculi—Elymi—Punii—and the Greek colonies, the most important passage is Thucyd. vi. 3—5, where see Poppo, vol. i. part 2. p. 497—541. On the subject of Sicily in general, see Phil. Cluveri Sicilia antiqua, (Lugd. B. 1619); and consult also J. G. Grævii et P. Burmanni Thes. antt. et hist. Siciliæ, Sardiniæ, Corsicæ et adj. ins. (Lugd. B. 1723-25); J. Ph. Dorvillii Sicula ed. P. Burmannus, (Amst. 1764); and Sainte-Croix sur les anc. gouvernemens et les lois de la Sicile, in Mém. de l'Acad. des Inscr. xlviii. p. 104—146. See also the Travels of Riedesel (Zurich, 1771, anonymously), Bartel (Gött. 1789), Brydone (Lond. 1774), Swinburne (Lond. 1783), Kephalides (Lpz. 1818), Smith (Mémoir descriptif, Lond. 1824). Particularly worthy of notice are the Prince of Torremuzza's Siciliæ urbium, populorum, regum et tyrannorum numi, (Panorm. 1781); and his Sic. et adj. inss. vett. inscriptionum nova collectio, ed. IIda, (ibid. 1784); J. H. Keerl, Siciliens vorzüglichste Münzen und Steinschriften aus dem Alterthume, (Gotha, 1802).

2) Thucyd. vi. 3; Strab. vi. p. 410. A.; Diodor. xiv. 14; Pausan. vi. 13. 4. According to Euseb., Ephorus ap. Strab. l. c., and Scymn. Ch. v. 276, it was founded B. C. 736, if we adopt in the two latter authors the emendation of 15 *γενέαι* after the fall of Troy; but this date is the more uncertain from its dependence on the chronology of Syracuse and Megara. Comp. however Scalig. ad Euseb. p. 75. b.; Heyne, l. c. p. 267; Marx ad Eph. Frag. p. 154; Raoul-Roch. p. 175—178.

3) Six years after Naxos: Thucyd. vi. 3: *Θουκλῆς δὲ καὶ οἱ Χαλκιδεῖς ἐκ Νάξου ὁρμηθέντες—Λεοντίνους τε, πολέμῳ τοὺς Σικελοὺς ἐξελάσαντες, οἰκίζουσι καὶ μετ' αὐτοὺς Κατάνην.* For a further account, see Raoul-Roch. iii. p. 220, sqq.

4) Strab. vi. p. 410. C.; also Scymn. Ch. v. 276. Both on the same authority, that of Ephorus.

5) Thucyd. vi. 4: *Ζάγκλη δὲ τὴν μὲν ἀρχὴν ἀπὸ Κύμης τῆς ἐν Ὀπικίᾳ Χαλκιδικῆς πόλεως λῃστῶν ἀφικομένων ᾠκίσθη, ὕστερον δὲ ἀπὸ Χαλκίδος καὶ τῆς ἄλλης Εὐβοίας πλῆθος ἐλθὸν ξυγκατενείμαντο τὴν γῆν· καὶ οἰκίσταὶ Περιήρης καὶ Κραταιμένης ἐγένοντο αὐτῆς, ὁ μὲν ἀπὸ Κύμης (Κραταιμένης Σάμιος, Pausan.?) ὁ δὲ Χαλκίδος, ὄνομα δὲ τὸ μὲν πρῶτον Ζάγκλη ἦν ὑπὸ τῶν Σικελῶν κληθεῖσα, ὅτι δρεπανοειδὲς (Strab. διὰ τὴν σκολιότητα) τὸ χωρίον τὴν ἰδέαν ἐστί, κ. τ. λ.* Conf. Pausan. iv. 23. 3. The Chalcidians were invited by the Zanclæans, Strab. vi. p. 395. B.; whence also we may gather that Zancle was founded before Rhegium.

6) Founded B. C. 649. See Thucyd. vi. 5. According to Strab. vi. p. 418. C.: *οἱ ἐν Μυλαῖς ἔκτισαν Ζαγκλαῖοι.* But Mylæ was only a fort belonging to Zancle, Thucyd. iii. 90; Diodor. xiv. 87, etc. See Cluver p. 386, sq.

7) *Καλὴ ἀκτὴ*, Herod. vi. 23; conf. Diod. xii. 8. Afterwards Calacta, Cluver, p. 291.

8) After the battle at Lade, B. C. 494, Herod. vi. 22.

9) Herod. Thucyd. Strab. Pausan. ll. cc.: conf. Aristot. Polit. v. 2. 12. —The anachronism in Pausanias (see last §. n. 11,) has misled even Manso on this point, Sp. i. 2. §. 288, and others. Anaxilaüs remained master of both cities (Diod. xi. 48), and so did the guardian of his son Leophron (Dionys. Hal. xix. 4; Justin. xxi. 3). According to Herod. vii. 170; Diod. xi. 66; Justin. iv. 2; Pausan. v. 24. 1; 26. 2, sqq.; Macrob. Saturn. l. 11; Schol. Aristoph. Equ. 964, etc., this man had been a slave. Strabo (vi. p. 388. A.) states his name to have been Micythus. The cities revolted and regained their freedom, B. C. 466. See Diod. xi. 76.

10) *Συμμικτοὶ ἄνθρωποι*, even in the time of Anaxilaüs, Thucyd. vi. 5; comp. Diodor. l. l. The Locrians next had it (Thucyd. v. 5); after its destruction by the Carthaginians, B. C. 396, Dionysius settled in it Locrians, Medmæans, and emigrants from Messenia itself, Diodor. xiv. 78: finally, the Mamertines got possession of it, B. C. 282, Polyb. i. 7; Diodor. Frag. l. xxi. t. ix. p. 283. Bip.

11) Strab. vi. p. 411. B.: *οἰκεῖται δ' ἱκανῶς ἡ πόλις, μᾶλλον δ' ἡ Κατάνη, καὶ γὰρ οἰκήτορας δέδεκται Ῥωμαίους* (conf. p. 417. B), *ἧττον δ' ἀμφοῖν τὸ Ταυρομένιον.*

12) Diodor. xiv. 15. 59. 88; by Siculi (Strab. vi. p. 411. C.: *τῶν ἐν Ὑβλῃ Ζαγκλαίων*?) B. C. 396, on the hill Taurus which overhung the old Naxos; in B. C. 358, it was increased by the inhabitants still remaining in the latter. See Diod. xvi. 7, and more in Goeller de situ, etc. p. 180; Cluver, p. 90, sqq.; Raoul-Roch. iv. p. 91.

13) Strab. vi. p. 420. A.: *Κεκάκωται δὲ καὶ ἡ Λεοντίνη πᾶσα—τῶν μὲν γὰρ ἀτυχημάτων ἐκοινώνησαν ἀεὶ τοῖς Συρακουσίοις, τῶν δ' εὐτυχημάτων οὐκ ἀεί.* See Herod. vii. 154; Diod. xi. 49; Thucyd. v. 5; vi. 50; Xen. Hell. ii. 3. 5; Pausan. vi. 17. 5. On its situation, see Polyb. vii. 6.

14) Callipolis, Eubœa, etc. Strab. vi. p. 418. C. sq.

15) In revenge for the defeat they had suffered there from Gelo and Thero, B. C. 480, (Herod. vii. 165; Diod. xi. 20, sqq.); B. C. 409, two hundred and forty years after its foundation; Diodor. xiii. 59—62.

16) Diodor. xiii. 79; Cic. Verrin. ii. 35.

§. 84. The Dorian colonies in Sicily were on the whole more fortunate[1]: of these, Syracuse was founded only one year later than Naxos[2], and Megara Hyblæa[3], according to some authorities, in the same year with it[4]. The Corinthian Archias[5] founded Syracuse[6], at first on the island Ortygia[7], which was afterwards

united to the continent by a mole; but the new state soon became powerful, and increased so greatly in extent, by repeated incorporations of the whole population of other cities, that it was considered to consist of five towns[8]. The enlargement[9] of the city and extension of its territory were the principal objects of its tyrants; as soon as the tyranny was abolished the vanquished recovered their freedom[10], as happened after the death of Hiero[11], who had supplanted by Syracusan settlers the population of most of the adjacent towns, the name even of one of which, viz. Catana, he changed to Ætna[12], and this again afterwards made way for the more ancient Inessa[13]. The same was the case after the expulsion of Dionysius the younger by Timoleon, whom Sicily long continued to honour as its liberator[14]. Syracuse had three more ancient colonies, Acræ, Casmenæ, and Camarina[15], the first two however never attained to importance, and the last was repeatedly laid in ruins by its parent state[16].

1) Compare Heyne, l. c. p. 255—262; Müller's Dorians, i. p. 118, sqq.

2) Thus Thucyd. vi. 3; i. e. according to the common calculation Ol. xi. 2. B. C. 735; if it were settled at the same time as Crotona (see §. 80, n. 11) a later date must be assigned it; according to the Parian Chron. it was earlier (Ol. ii. 4). See Goeller de situ, etc. p. 6; Raoul-Roch. iii. p. 178, sqq.; Clinton's F. H. vol. ii. p. 264, sqq.

3) To distinguish it from the parent state, the Nisæan Megara, in the Peloponnesus. The original Sicilian name of the place was Hybla, common to many towns in the interior, which were distinguished by surnames, as Major, Heræa, Geleatis or Galeotis. This last is confounded with the Megara Hyblæa of which we are speaking, by Steph. Byzant, Cluver, p. 131, sqq., Goeller de situ Syr. p. 159, 160, and others; but that they were distinct is evident from Thucyd. vi. 62, coll. 45 and 75. See Poppo, p. 524. It is more likely that Hybla Heræa was the same with the Hybla Major; compare Paus. v. 23. 5.

4) Strab. vi. 410. B. coll. 414. B.—According to Thucyd. vi. 4, not till B.C.727, two hundred and forty-five years, that is, before its destruction; but consult Larcher, Hérod. vii. p. 452; Clinton, l. c.; Müller's Dorians, vol. i. p. 140, n. q.

5) See §. 75, note 7.

6) See Letronne's Essai critique sur la topographie de Syracuse, etc.; Fr. Goeller de situ et origine Syracusarum (Lips. 1818); Capodicci antichi Monumenti di Siracusa (Sirac. 1813).

7) Also simply called Nasos, Νῆσος, comp. Thucyd. vi. 3; Strab. vi. 413—417, et plur. ap. bei Göller, §. 43—48; on the name Ortygia ,see Dissen ad Pind. Nem. i. p. 350, Boeckh.—It was afterwards the site o the citadel.

8) Strab. vi. p. 415, A.: *πεντάπολις γὰρ ἦν τὸ παλαιὸν, ἑκατὸν καὶ ὀγδοήκοντα σταδίων ἔχουσα τὸ τεῖχος.* The five cities were: Nasos or Ortygia, Achradina, Tycha, Neapolis (Temenites), and Epipolæ; but this last quarter does not appear to have ever been completely built, conf. Dorv. Sicc. p. 180, sqq.—See at large, Cic. Verr. iv. 53; and more in Göller, p. 49, sqq.

9) See, in particular, the enrolments of citizens by Gelo mentioned by Herod. vii. 156; Diod. xi. 72; the fortification of Epipolæ by Dionysius, Diod. xiv. 18, comp. ibid. xv. 13: *τεῖχος περιέβαλε τῇ πόλει τηλικοῦτο τὸ μέγεθος, ὥστε γενέσθαι τὸν περίβολον μέγιστον τῶν Ἑλληνίδων πόλεων.* Senec. Consol. ad Marcian. c. 17, ingens civitas et laxius turrita quam multarum urbium fines sunt.

10) Strab. l. c. p. 414. B.: *ηὐξήθη δὲ καὶ διὰ τὴν τῆς χώρας εὐδαιμονίαν ἡ πόλις καὶ διὰ τὴν τῶν λιμένων εὐφυίαν οἱ ἄνδρες ἡγεμονικοὶ κατέστησαν· καὶ συνέβη Συρακουσίοις τυραννουμένοις τε δεσπόζειν τῶν ἄλλων, καὶ ἐλευθερωθεῖσιν ἐλευθεροῦν τοὺς ὑπὸ τῶν βαρβάρων καταδυναστευομένους.*

11) Diodor. xi. 76.

12) Strab. vi. p. 412. A.; Diod. xi. 49, and more in Göller, §. 20, sq.; and the commentt. on Pind. Pyth. i.

13) Or Ennesia. See Cluver, p. 122, sq.

14) Diodor. xvi. 82; Plut. Vit. Timol. c. 24. 35, etc.

15) Acræ, B. C. 665; Casmenæ, B. C. 645; Camarina, B. C. 660. Thucyd. vi. 5; Raoul-Roch. iii. p. 354.

16) Thucyd. l. c.: *Ἀναστάτων δὲ Καμαριναίων γενομένων πολέμῳ ὑπὸ Συρακουσίων δι' ἀπόστασιν* (B. C.. 554, conf. Scymn. Ch. v. 295) *χρόνῳ Ἱπποκράτης ὕστερον Γέλας τύραννος . . . κατῴκισε Καμαρίναν* (B. C. 495; see Herod. vii. 154) *καὶ αὖθις ὑπὸ Γέλωνος ἀνάστατος γενομένη τὸ τρίτον κατωκίσθη ὑπὸ Γέλωνος* (Γελώων? conf. Goeller, p. 157; Boeckh. ad Schol. Pind. Ol. v. 19, p. 121).

§. 85. Megara Hyblæa was also incorporated with Syracuse by the tyrant Gelo, two hundred and forty-five years after its foundation[1]; nor does it appear to have recovered its independence as other cities did after the death of Hiero[2]. Gela, which was the third Doric settlement in Sicily, (having been founded, forty-five years after Syracuse[3], by Antiphemus from Rhodes and Entimus from Crete[4],) was sacrificed by Gelon and Hiero, though their native city, to the new seat they had chosen for their government[5]. Its ty-

rants, Cleander and Hippocrates[6] had, but a short time before, raised it to sovereignty over all its neighbours. Though it regained its independence B. C. 467, its prosperity never revived[7]. Selinus[8], founded from Megara B. C. 627, and Agrigentum[9], from Gela B. C. 582, were more fortunate, especially the latter. Its greatness commenced with the share which its sovereign, Thero the Emmenid[10], had in the victory over the Carthaginians at Himera[11]; and appears to have eclipsed even that of Syracuse[12] during the period of its democracy, which was established by Empedocles[13]. The return of the Carthaginians, B. C. 410, and the devastations they committed, checked the prosperity of both[14]; but whilst Selinus never recovered, its habitants being removed by the Carthaginians to Lilybæum[15], Agrigentum, on the other hand, became again so flourishing that it ventured, though unsuccessfully, to compete with Agathocles for the supremacy of Sicily[16]; and Polybius shows[17] that not even the losses it sustained in the two Punic wars caused it any material injury[18].

1) Thucyd. vi. 4, conf. Herod. vii. 156; B. C. 482, according to Larcher, on Herod. vii. p. 458.

2) Thucyd. vi. 49: *ναύσταθμον Μέγαρα ἔφη χρῆναι ποιῆσαι ἃ ἦν ἔρημα*, conf. vi. 75 and 94; Liv. xxiv. 30 and 35.

3) Thucyd. vi. 4; consequently B. C. 690; according to Euseb. Ol. xxv. 4. B. C. 677; compare Raoul-Roch. iii. p. 247.

4) Besides Thucyd. l. c. and vii. 57, comp. Herod. vii. 153; Athen. vii. p. 297. F.; Paus. viii. 46. 2, and Boeckh. ad Pind. Expl. p. 115; Goeller, p. 265; Mai. ad Diodor. Fragm. Vat. p. 11.

5) Herod. vii. 153—156.

6) The chronology as follows: B. C. 505, Cleander (Aristot. Polit. v. 10. 4); B. C. 498, Hippocrates (Herod. vi. 23); B. C. 491, Gelo (Dion. Hal. vii. 1); B. C. 485 or 484 his reign commences in Syracuse (compare Larcher, l. c. p. 452); B. C. 478, Hiero (Diodor. xi. 38); B. C. 467, Thrasybulus. Compare Goeller, p. 8, sqq., and 168; Clinton's F. H. vol. ii. p. 265, sq.

7) Diod. xiii. 108; Plut. Timol. 35; Strab. vi. p. 418. C.—According to Diod. Fragm. l. xxii. t. ix. p. 292, (Bip.) Phintias, tyrant of Agrigentum, removed its population to a new city named after himself (Cluvier, p. 213, 214; Bentleii Opusce. p. 203—209).

8) Thucyd. vi. 4; vii. 57; 100 years after the foundation of the parent city.—The ruins still attest its ancient splendour. See H. Reinganum, Selinus und sein Gebeit (Leipz. 1827).

9) Thucyd. ibid., 108 years after Gela; compare Raoul-Roch. iii. p. 363, sqq.

10) On this family, to which Agrigentum was indebted for the overthrow of the tyrant Phalaris, see Boeckh. ad Pind. Expl. p. 116; Müller's Orchom. §. 338; Dorians, ii. §. 508; Goeller. l. c. p. 22, sqq. On Phalaris, who reigned B. C. 565—549, compare Bentl. Opusec. p. 162—173; J. M. Schultz, App. ad Ann. crit. rerum græc. spec. (Kiliæ, 1826), p. 32, sqq.; Clinton's F. H. vol. ii. p. 4; also J. Fr. Ebert's Hist. crit. Tauri Phalaridei in his Σικελιῶν (Königsb. 1830), p. 40, sqq.)

11) Diodor. xi. 25; see above, §. 83, n. 15.

12) For a description, see Diodor. xiii. 81—84, coll. Plin. H. Nat. viii. 64; Val. Max. iv. 8; ext. 2; for an account of its ruins, Quatremère de Quincy, Mém. de l'Institut. ii. pp. 270—306; G. Haus, Raccolta di opuscoli spettanti alle belle arti (Palermo, 1823). Diodorus states its population to have been 200,000, of which 20,000 were citizens. Diogen. Laert. says 800,000.

13) Diodor. xi. 53; Diog. L. viii. 66, and Müller, ii. p. 170; Wachsm. i. 2. §. 97.

14) Selinus, B. C. 409; see Diod. xiii. 57—59; Agrigentum, B. C. 405; ibid. c. 90, sqq.

15) B. C. 249, see Diodor. Fragm. l. xxiv. init.—Was Lilybæum itself founded B. C. 397? Compare Cluver, p. 233.

16) Diodor. xx. 32. 51. 62, coll. xiv. 88.

17) Polyb. ix. 27.

18) Polyb. i. 17—19; Diodor. Fragm. l. xxiii; t. ix. p. 330; Liv. xxiv. 35; xxvi. 40.—It became at last a Roman colony; see Cic. Verrin. ii. 50; iv. 43; Müller's Dorians, vol. ii. p. 170.

§. 86. Syracuse and Megara were not merely the first, but the only settlements formed in that quarter by their respective parent states; the other Corinthian colonies —if we except the last, Potidæa—were all on the coast of the Ionian sea[1], where Leucas[2], Anactorium[3], Ambracia[4], Apollonia[5], Epidamnus[6], and others, formed a chain of Dorian cities up to Illyria; but the most important was Corcyra[7], which was closely connected, both by position and interest, with most of those just mentioned, and rose so rapidly that it was soon able to dispute the empire of the sea with its parent state[8], and

became the object of its incessant jealousy[9] by its efforts to gain a perfect independence. The Megarian colonies, on the other hand, all took an easterly direction, studding the coasts of Thrace and Bithynia with Grecian cities[10], of which Astacus[11], Chalcedon[12], Mesembria[13], Selymbria[14], and above all, Byzantium[15], noted for the advantages of its situation, were the most distinguished. Heraclæa on the Pontus[16] is also ascribed by most writers to Megara[17]; Justin[18], indeed, assigns it a Bœotian origin, but, as far as we know, Bœotia sent out no colonies after those above noticed as consequent on the invasion of the Heraclidæ. The same was the case with several other Greek states, even of Athens, unless its Cleruchiæ[19] be reckoned colonies. Omitting them, only Thurii and Amphipolis[20], besides Ionia and the Cyclades, can properly be called Athenian; and even those two settlements were as little composed of pure Athenians as the last colony that issued from free Greece, Heraclæa Trachinia[21], was of Spartans, although its founders were called such.

1) Raoul-Rochette, iii. p. 290—295; 343—354; Poppo ad Thucyd. l. c. p. 125—152; Müller's Dorians, vol. i. p. 133, and p. 137 he says, "It was not till after the loss of their maritime dominion in these quarters (an event which had nevertheless taken place before the Persian war, Herod. ix. 31) that the Corinthians appear to have founded Potidæa, on the opposite side of Greece, in Chalcidice; which colony they sought to retain in their power by continually interfering in its internal administration." (Thucyd. i. 56.) See Ste.-Croix, des anc. col. p. 176.

2) See Herod. viii. 45; Thucyd. i. 30; Plut. Vit. Themist. c. 24, et plur. ap. Böckh. ad C. Inscr. t. i. p. 56, sqq. coll. p. 235, where also the imposture of Dem. Petrizzopulo, in his Saggio istorico sulla prima età dell' isola di Leucadia (Flor. 1814), has been exposed.

3) Thucyd. i. 55; Strab. x. p. 693; Paus. v. 23. 2.

4) Thucyd. ii. 80; vii. 57; Aristot. Polit. v. 3. 6; Strab. and Pausan. ll. cc.

5) On the river Aous; see Thucyd. i. 26; Strab. vii. p. 486. B.; Paus. v. 22. 3; compare also Aristot. Polit. v. 3. 8; Ælian. Var. Hist. xiii. 16; Plut. Vit. Sull. c. 27; de S. Num. V. c. 7, and Mannert's Geogr. vii. §. 399.

6) Afterwards called Dyrrachium, see Strab. vii. p. 486. B.; Pausan. vi. 10. 2, and in particular, Dio Cass. xli. 49, the commentt. on Thucyd. i. 24, and Mannert, vii. §. 394, sqq. On the situation of Dyrrachium, see Lucan. Phars. vi. init.

7) Founded, according to Timæus, ap. Schol. Apoll. Rhod. iv. 1216, (Goeller de situ, etc. p. 254,) six hundred years after the Trojan war, by a Bacchiad named Chersicrates; compare Strab. vi. p. 414. A.; Plut. Qu. gr. c. 11, and the commentt. on Herod. iii. 48, sqq. See, on the subject of Corcyra at large, A. M. Quirini Primordia Corcyræ (Brix. 1738), and A. Mustoxidi Illustrazioni Corciresi (Milano, 1811—14). On the more ancient names of the island (Drepane, Scheria, etc.), see the authorities in Sturz ad Hellan. p. 81; Goeller, l. c. p. 255, and A. S. Mazocchi de antiquis Corcyræ nominibus schediasma (Neap. 1742).

8) In the first sea-fight recorded in Grecian history according to Thucyd. i. 13, about two hundred and sixty years before the end of the Peloponnesian war, consequently 664 B. C. With this computation that of Timæus just noticed (see n. 7) agrees as little as with Strabo's assumption that Syracuse and Corcyra were founded at the same time. See Larcher, Hérod. vii. p. 443; Raoul-Roch. iii. p. 185.

9) Herod. iii. 49: *νῦν δὲ ἀεὶ, ἐπεί τε ἔκτισαν τὴν νῆσον, εἰσὶ διάφοροι ἐόντες ἑωυτοῖσι.* Conf. Thucyd. i. 25, sqq., and Aristotle as quoted by Neumann, p. 119: *ὑπερηφάνους εὐπραγοῦντας τοὺς Κερκυραίους φησὶν Ἀριστοτέλης γενέσθαι.*

10) Müller's Dorians, vol. i. p. 138. Boeckh. ad C. Inscr. i. p. 555.

11) B. C. 710, Euseb.; it was destroyed by Lysimachus, and included by Nicomedes in the new city named after him. Compare Strab. xii. p. 488, and Raoul-Roch. iii. 231—234.

12) See Thucyd. iv. 75; Strab. xii. p. 843; and especially Polyb. iv. 44. Founded B. C. 675; compare Raoul-Roch. iii. p. 273.

13) Strab. vii. p. 491. C., where he also speaks of the Thracian word *βρία*, a city.—Founded, according to Herod. vi. 33, and other authorities, B. C. 497, by fugitives from Chalcedon and Byzantium; compare Raoul-Roch. iii. p. 275.

14) Scymn. Ch. v. 714; even before Byzantium.

15) Seventeen years after Chalcedon; see Herod. iv. 144; coll. Polyb. iv. 43, sqq.; Strab. vii. p. 493; also Athen. xii. p. 526, E., and Per. ad Æl. Var. Hist. iii. 13. Consult too, P. Gyllius de Bosporo Thracio, and De topogr. Constantinopoleos et de illius antiquitatibus, in Gron. Thes. t. vi. p. 3087—3342, with the other authorities given by Raoul-Roch. iii. p. 300; Gibbon, History of the Decline, etc. chap. xvii. note 2; J. Dallaway's Constantinople ancient and modern (Lond. 1797); and J. v. Hammer, Constantinopolis und der Bosporus, örtlich und geschichtlich beschrieben (Pesth. 1820); for a shorter account see Barthélémy, chap. ii.

16) In the territory of the Mariandyni, (comp. above, §. 19. note 17). See the ancient authorities collected in Memnonis Hist. Heracleæ Ponti Excerpta serv. a Photio (Cod. 224) ed. J. Conr. Orellius (Lips. 1816), p. 109—128. On its colonies (*μάτηρ ἀποικιῶν*, Spanheim de Usu et Pr. Numm. i. p. 576,) see Strab. xii. p. 817. C.

17) Xenoph. Anab. v. 10. 1; Raoul-Roch. iii. p. 300—307. Strab. xii. p. 817. A.: *πρῶτον τὴν Ἡράκλειαν κτίσαντες* Μιλήσιοι — ? Conf. Welcker. ad Theogn. p. xviii.

18) Justin. xvi. 3—5. A passage of importance for the history of the tyrant Clearchus (B. C. 364—353), on whom see Diodor. xv. 81; xvi. 36; and comp. Wachsm. i. 2. §. 330. Pausanias has hit upon the truth, v. 26. 6: *ἀπῳκίσθη δὲ ἐκ Μεγάρων· καὶ Ταναγραῖοι δὲ μετέσχον Βοιωτῶν τοῦ*

οἰκισμοῦ: comp. Scymni Chii Fragm. v. 231, according to whom it was founded in the time of Cyrus. He probably wrote on the authority of Ephorus, see Marx. p. 197.

19) A more detailed account of the Cleruchiæ will be given below, chap. vi. part i., meantime compare in this place, Wachsm. i. 2. §. 36—44. Ste.-Croix's mistake has been already rectified by Hegewisch, §. 151, sqq.

20) On Thurii, see above, §. 80, n. 22. On Amphipolis (B. C. 437), see Thucyd. iv. 102, coll. i. 100, and Raoul-Roch. iv. p. 40—44, coll. 7—14; consult also J. Th. Voemel's Lineamenta belli Amphipolitani (Franc. ad M. 1826), and his Prolegg. ad Demosth. Oratt. Philipp. p. 32, sqq.; also Osann's Syll. Inscr. Fasc. i. p. 22.

21) Thucyd. iii. 92; Diodor. xii. 59.—Ol. lxxxviii. 3, B. C. 426; lost, B. C. 394; Diodor. xiv. 88. Compare Raoul-Roch. iv. p. 56—59.

§. 87. With regard to the political constitution of these colonies[1], it must be presumed that but few of them could be originally democratic[2]. The little known of the emigrations en masse of the earliest historical times, is still sufficient to show that they were all accompanied to their new country by some members of the ruling families at home[3]. It should be remembered too, that the Greek colonies were chiefly led forth while the parent states were under an oligarchy[4]; and further, that it could never be the interest of the people to weaken their numbers, and by consequence their power, by large colonial drafts. Thus then, if it be considered as the general rule that a colony would naturally adopt the laws, customs, and institutions of the parent state[5], it follows that the prevailing form of government would in the first instance be an aristocracy or an oligarchy, to say nothing of the gradual formation of the class Periœci, already noticed[6]. But since the principle of democracy developed in the last chapter, existed in greater force[7], and rose earlier to maturity in these foreign settlements than in any of the rising and influential states of Greece, it cannot excite surprise that we discover traces of the most violent struggles between the commonalty and nobles[8]; and find a licentious and domi-

nant democracy[9] prevailing at a much earlier period of their political existence than was the case with the states from which they sprung. Nor shall we wonder at the necessary consequence of such struggles, the rise namely of successive tyrants[10], whose governments present the brightest and most important periods in the history of their respetive states.

1) For more particular information in individual cases, see the authorities referred to in §. 54, n. 6, with the works of Tittmann, Kortüm, Wachsmuth, etc. On the Dorian colonies, see Müller, ii. p. 147—197.

2) It is probable that the formula used in collecting settlers, *ἐπὶ τῇ ἴσῃ καὶ ὁμοίᾳ*, Thucyd. i. 27, was not in use at first.

3) The Ionians, Herod. i. 147: *βασιλέας δὲ ἐστήσαντο, οἱ μὲν αὐτῶν Λυκίους ἀπὸ Γλαύκου τοῦ Ἱππολόχου γεγονότας, οἱ δὲ Καύκωνας Πυλίους ἀπὸ Κόδρου τοῦ Μελάνθου, οἱ δὲ καὶ συναμφοτέρους.*—Thus the Penthilidæ reigned in Lesbos; see above, §. 76. n. 4.

4) The quotation from Aristotle in Strab. x. p. 685, sq., concerning the Chalcidian colonies, bears particularly on this point; comp. also the case of those who were *ἀπὸ τῶν ἑκατὸν οἰκιῶν*, in Locri; Polyb. xii. 5. 8.

5) Thucyd. vi. 4, says of Gela: *νόμιμα δὲ Δωρικὰ ἐτέθη αὐτοῖς*; of Zancle: *νόμιμα δὲ τὰ Χαλκιδικὰ ἐκράτησεν*, etc. Conf. Heyne, i. p. 315.

6) See §. 75. n. 10; and on their condition in the Dorian colonies, Müller, ii. p. 60, sqq.

7) See §. 61. n. 7, sqq.; and comp. Heeren's Res. Greece, p. 89.

8) In Miletus, for instance, *στάσις πρὸς τοὺς Νήλεως παῖδας*, Polyæn. viii. 35; on the Geigithæ, Athen. xii. p. 524, A.: *ἀειναῦται*, Plut. Qu. gr. 32, comp. Kortüm, §. 109; Wachsm. i. 1. §. 158. 162; in Chios, see Ælian. Var. Hist. xiv. 25, with Perizonius' note.

9) In Cuma, Dionys. Hal. vii. 7, 8; in Sybaris, Diod. xii. 9.

10) Thrasybulus in Miletus (about B. C. 600, comp. Herod. i. 20—23); Lygdamis in Naxos (B. C. 540; Herod. i. 61, sqq.; Aristot. Polit. v. 5. 1); Polycrates in Samos (about B. C. 530; Ol. liii. 3, lxiv. 1; so Bentley, Opuscc. p. 184, sq.; conf. Panofka's res. Sam. p. 29, sqq.); Telys in Sybaris (about B. C. 510; Herod. v. 44); and others of whom we have already in part spoken. See on this subject at large, Wachsm. i. 1. §. 276, sqq.

§. 88. It would seem that only one form of government could preserve such states from these extremities, namely, a timocracy, in which all rights and liabilities should be strictly defined by the standard of property, the only standard, indeed, likely to be gene-

rally recognised in societies so circumstanced; accordingly this form was as common in the colonies as it was unusual in the mother country, and appears to have produced the best results in those instances in which a mixed population found itself without that common bond of union which is formed by hereditary rights and customs[1]. In most cases the functions of government were exercised by an assembly of a thousand[2], which constantly recruited its numbers from the wealthiest members of the state. It was only when, as in the case of the Locri[3], property, by being inalienable, rendered power hereditary in the families which had first obtained it, that oligarchical pride could plunge the state into ruin[4]. To this same necessity of supplying the absence or deficiencies of a common hereditary constitution by positive enactments, those colonies were in part indebted for the advantage of written codes of law[5], the most ancient compilers of which are said to have been Zaleucus among the Locri Epizephyrii[6], and Charondas in Catana and the Chalcidian cities of Sicily and Magna Græcia[7].

1) See above, §. 59. n. 8, and in particular Tittmann, §. 661, sq.

2) Such bodies, Χίλιοι, are found in Rhegium (Heracl. Pont. c. 25, p. 2831,) in Crotona, (Iambl. V. Pythag. §. 45,) in Agrigentum, till suppressed by Empedocles (Diogen. L. viii. 66); comp. Müller's Dorians, ii. p. 171; in Cuma also (Heracl. Pont. c. 11), in Locri (Polyb. xii. 16. 11), etc.

3) Aristot. Polit. ii. 4. 4.

4) Ibid. v. 6. 7; conf. Micali, iii. p. 233.

5) See above, §. 53. n. 5, and for particulars Aristot. Polit. ii. 9, where *νόμων* and *πολιτείας δημιουργοί* are well distinguished; comp. Wachsm. i. 1. §. 212.—Plat. de Legg. iii. 681. C.: *καὶ μὴν τοὺς αὐτῶν νόμους ἀρέσκειν ἑκάστοις ἀναγκαῖόν που, τοὺς δὲ τῶν ἄλλων ὑστέρους — — τὸ γοῦν μετὰ ταῦτα ἀναγκαῖον αἱρεῖσθαι τοὺς συνελθόντας τούτους κοινούς τινας ἑαυτῶν, οἳ δὴ τὰ πάντων ἰδόντες νόμιμα, τὰ σφίσιν ἀρέσκοντα αὐτῶν μάλιστα — φανερὰ δείξαντες, ἑλέσθαι τε δόντες, αὐτοὶ μὲν νομοθέται κληθήσονται κ. τ. λ.* Conf. iv. p. 708, and Schlosser, ubi sup. i. 1. §. 391, sqq.

6) Strab. vi. p. 397. D., says of Locri: *πρῶτοι δὲ νόμοις ἐγγραπτοῖς χρήσασθαι πεπιστευμένοι εἰσί· καὶ πλεῖστον χρόνον εὐνομηθέντας* (conf.

Demosth. adv. Timoc. p. 744; Plat. de Legg. i. p. 638. A.; Tim. p. 20. A.; Aristot. ap. Schol. Pind. Olymp. xi. 17. p. 241; Ælian. Var. Hist. ii. 22.) *Διονύσιος ἐκπεσὼν ἐκ τῶν Συρακουσῶν ἀνομώτατα πάντων διεχρήσατο.* Comp. on this subject at large Jo. Wilh. Engelbrecht Diss. de legg. Locrensium Zaleuco auctore promulgatis (Lips. 1699); Heyne's Opusce. Acadd. t. ii. p. 12—119; Ste-Croix sur le législation de la grande Grèce in Mem. de l'Acad. d. Inscr. t. xlii. p. 256, sqq.; Micali, iii. p. 228, sqq.

7) Aristot. Polit. ii. 9. 5: *Νομοθέται δ' ἐγένοντο Ζάλευκός τε Λοκροῖς τοῖς Ἐπιζεφυρίοις καὶ Χαρώνδας ὁ Καταναῖος τοῖς αὑτοῦ πολίταις καὶ ταῖς ἄλλαις ταῖς Χαλκιδικαῖς πόλεσι ταῖς περὶ Ἰταλίαν καὶ Σικελίαν* (Rhegium, for instance, Heracl. Pont. c. 25). *Πειρῶνται δέ τινες καὶ συνάγειν ὡς Ὀνομακρίτου μὲν γενομένου πρώτου δεινοῦ περὶ νομοθεσίαν, γυμνασθῆναι δ' αὐτὸν ἐν Κρήτῃ Λοκρὸν ὄντα . . . τούτου δὲ γενέσθαι Θάλητα ἑταῖρον, Θάλητος δ' ἀκροατὴν Λυκοῦργον καὶ Ζάλευκον, Ζαλεύκου δὲ Χαρῶνδαν. Ἀλλὰ ταῦτα μὲν λέγουσιν ἀσκεπτότερον τῶν χρόνων λέγοντες.* May we with Weisse, l. c. p. 130, believe the Cretans to have had a college of legislators? are we with Müller, Dorians, vol. ii. p. 244, sqq., to consider the enactments of Zaleucus of Doric origin? Ephorus (Strab. vi. 398. B.): *ἣν (νομογραφίαν) συνέταξεν ἔκ τε τῶν Κρητικῶν νομίμων καὶ Λακωνικῶν καὶ ἐκ τῶν Ἀρεοπαγιτικῶν,* so also Diodor. xii. 11, speaking of Charondas: *ἐπισκεψάμενος τὰς ἁπάντων νομοθεσίας ἐξελέξατο τὰ κράτιστα κ. τ. λ.*

§. 89. The time at which these men flourished may be pretty accurately fixed to the middle of the seventh century before the Christian era[1]; and however uncertain the particulars[2] of the life of Zaleucus may be, there is yet no reason to join Timæus in even the slightest doubt of his having actually existed[3]. Even if Charondas be considered with Diodorus[4] to have been a citizen of Thurii, yet, independently of the testimony of Aristotle, the great similarity between him and Zaleucus, which has even caused them to be confounded one with the other[5], is a proof of their having been contemporary. A similar[6] and much more recent case is afforded by the confusion of the enactments of the Syracusan Diocles (B. C. 411) with those of other legislators. Thurii may very easily, like Mazaca in Cappadocia[7], have adopted[8] the regulations of Charondas, suitable as they were to so mixed a colony; other writers, indeed, name the sophist Protagoras[9] as the legislator of that place. As to the real character of these laws, though the introduction and fragments given by Stobæus[10] are probably to be rejected as forgeries of the

Ptolemaic age[11], the united testimony of other writers sufficiently attests the wisdom of both as moralists and jurists. We know, for instance, in the case of Zaleucus, that he first exerted himself in criminal laws to put an end to the arbitrary sentence of the judge by defining the punishments[12] to be inflicted in various cases, and to lay down simple but positive regulations for the decision of civil suits. A particular magistrate, called *κοσμόπολις*[13] in Locri, and *νομφδός* among the Mazacenes, appears to have decided authoritatively on points respecting which the laws were not clear. Although neither legislator had absolutely forbidden all changes of his code[14], they guarded against the innovations of caprice and a mere love of change by imposing the most rigorous conditions[15] on the innovator.

1) According to Euseb. Zaleucus flourished Ol. xxix, B. C. 660; others make him to have been the disciple of Pythagoras, see Diodor. xii. 20; Per. ad Ælian. Var. Hist. iii. 17; Heyne, l. c. p. 170; on the other hand see Bentley, Opuscc.p. 340; Ste.-Croix, l. c. p. 290, 291, who very correctly appeals to Dicæarch. ap. Porphyr. Vit. Pythag. §. 56.

2) According to Aristotle (quoted by the Scholiast on Pind. Olymp. xi. 17. comp. Neumann's Rerump. Fragm. p. 134) he was a slave and herdsman; according to Diodor. l. c. *ἀνὴρ εὐγενὴς καὶ κατὰ παιδείαν τεθαυμασμένος.*

3) Cic. ad Att. vi. 1. 14: *Quis Zaleucum leges Locris scripsisse non dixit? Num igitur jacet Theophrastus, si id a Timæo reprehensum est?* conf. de Legg. ii. 6. 15; Bentley, l. c. pp. 337, 338; on the other hand see Heyne, l. c. p. 62—70; Ste.-Croix, p. 292; Goeller, de situ Syrac. pp. 259, 260.

4) Diodor. xii. 11—19; conf. Val. Max. vi. 5. Others make him to have been a Pythagorean; the Scholiast on Plato (p. 193. Ruhnk.) is very confused: *Χαρώνδας ἐκ Κατάνης πόλεως Σικελίας, διάσημος νομοθέτης τῶν Αθήνησιν* (conf. Steph. Byz. s. v. *Κατάνη*) *ἐλθόντων εἰς Θουρίους ἐποίκων. Φευγόντων δὲ, τῷ πατρὶ συνηκολούθησε κατοικήσας ἐν Χαλκίδι· τὴν δὲ ὄψιν ἐλευθέριος ἦν. Γενόμενος δὲ τῶν Πυθαγορείων εἰς διήνεγκε τῷ προτρεπτικῷ.* But see here Bentley, p. 354—364; Heyne, p. 155-171.—Ste.-Croix, p. 317, assumes that there were two of the name!

5) Thus Theodoret, de Cur. Græc. Aff. ix. p. 608. C., makes Charondas the most ancient of legislators; Athen. xi. p. 508, make Zaleucus legislate for the Thurians, so also Ephorus, ap. Strab. l. c. says they adopted his laws. Instead of Thurii Scymn. Ch. v. 346, has Sybaris. The Locrian law in Demosth. ubi sup. is ascribed to Charondas by Diodorus, xii. 17; the death of Charondas, as described by Diodor. xii. 19; Val. Max. l. l. and others, is by Eustathius, ad Iliad. A. 197. p. 83. 18, mentioned as that of Zaleucus.

6) Diodor. xii. 35, sqq.; comp. Wachsm. i. 2. §. 446.

7) Strab. xii. p. 813. C: *χρῶνται δὲ οἱ Μαζακηνοὶ τοῖς Χαρώνδα νόμοις αἱρούμενοι καὶ νομφδὸν, ὅς ἐστιν αὐτοῖς ἐξηγητὴς τῶν νόμων, καθάπερ οἱ παρὰ Ῥωμαίοις νομικοί.*

8) Wachsm. i. 2. §. 98.—What Ephorus, l. l. says of the Thurians: *ὕστερον ἀκριβοῦν θέλοντας περὶ τῶν ἄκρων ἐνδοξοτέρους μὲν γενέσθαι, χείρονας δὲ*, exactly suits Charondas, according to Aristot. Polit. ii. 9. 8: *τῇ ἀκριβείᾳ τῶν νόμων ἐστὶ γλαφυρώτερος τῶν νῦν νομοθετῶν.*

9) Heracl. Pont. ap. Diogen. Laert. ix. 50.

10) Stob. Serm. xlii. p. 279, sqq.; coll. Diodor. xii. 20. On Proamiœ in general see Cicero de Legg. l. c.

11) See Bentley, ll. cc. He is opposed by Warburton, Divine Legation of Moses, t. i. p. 165, and by Ste.-Croix, p. 293, sqq; Heyne, on the whole, favours him, p. 69—72. and 164, sqq.; so does Wyttenb. ad Plut. Morr. p. 154.

12) Ἔφορος, says Strab. l. c., *φησὶν ἐν τοῖς πρώτοις καινίσαι τοῦτο τὸν Ζάλευκον, ὅτι, τῶν πρότερον τὰς ζημίας τοῖς δικασταῖς ἐπιτρεψάντων ὁρίζειν ἐφ' ἑκάστοις τοῖς ἀδικήμασιν, ἐκεῖνος ἐν τοῖς νόμοις διώρισεν—— καὶ τὸ ἁπλουστέρως περὶ τῶν αὐτῶν συμβολαίων διατάξαι.* Conf. Diodor. xii. 21, and for further particulars see Polyb. xii. 16; Heracl. Pont. c. 32, and others.—According to Aristot. l. c. Charondas introduced nothing original but the *ἐπίσκηψις ψευδομαρτυριῶν* (conf. Bentley, l. l. p. 358; Schömann u. Meier's att. Process. p. 385); but see Aristot. himself, i. 1. 6; iv. 10. 6; Dionys. Hal. ii. 26; Diodor. xii. 12, sqq.

13) Polyb. xii. 16.

14) See above, §. 53. n. 3. Zaleucus had also represented his laws as derived from Pallas Athene herself; see Plut. de sui laude, c. 11, also Creuzer, Symb. ii. p. 804, and Heyne, l. c. p. 65.

15) *Ἐν βρόχῳ τὸν τράχηλον ἔχων*, Demosth. adv. Timocr. p. 744; conf. Polyb. l. c.; Diodor. xii. 17, 18, et plur. ap. Heyne, p. 30.—In above 200 years only three instances occurred in Thurii, only one in Locri.

§. 90. Quite different, on the other hand, and perfectly anomalous were the changes which Pythagoras, by means of his doctrines, effected in some of the colonies of Magna Græcia, and which, although positive inasmuch as they were the result of abstract theories, were yet indebted solely to their oligarchical tendency for the political importance they obtained; and which, though of ephemeral duration, had the most lamentable consequences[1]. Pythagoras[2] found, as it seems, a timocracy in Crotona, but his philosophy gained ground so rapidly, and particularly among the young men of rank and wealth, that he

succeeded, both there and in some adjacent cities, in laying the groundwork of an aristocracy much on the plan[3] in which it is subsequently found developed in Plato's Republic, where internal harmony is made to result from the absolute sway of the wise, and the perfect mechanical obedience of all the other members of the body politic[4]. The community of goods and simplicity of life which the members of the society maintained[5] at first prejudiced the people in their favour; but, though their claims to the conquered lands of Sybaris were the apparent occasion of the hostility that broke out against them[6], yet it was rather the high idea entertained by the people of their own importance, and apprehensions for their freedom[7], that occasioned the dreadful persecution of the Pythagoreans which commenced under the guidance of Cylon[8], B. C. 504, and spread the horrors of civil warfare over lower Italy[9], wherever the sect had extended its influence, until the Achæans, of the mother country, interposed and tranquillised the states: inducing them to form a treaty of alliance, and institute a πανήγυρις at the temple of Jupiter Homorius.

1) See at large, Meiners Gesch. d. Ursprungs der Wissenschaften (Lemgo, 1781) i. §. 304—510; Ste.-Croix, Mém. de l'Acad. des Inscr. t. xlv. p. 295—315; also Heyne, l. c. p. 187—199; Heeren's Res. Greece, p. 248, sqq.; Müller's Dorians, vol. ii. p. 185, sqq. and 197; Schlosser, i. 1. §. 398—400; Welcker ad Theogn. p. xlv—xlix. I cannot understand why Ritter is so sceptical on this point in his Gesch. d. Philosophie, 1. §. 350—358.—The chief authority is Iamblichus de Vita Pythagorica (ed. L. Küster, Amst. 1707; ed. Th. Kiessling, Lips. 1815), especially in what he has preserved to us out of Apollonius Nicomachus and Aristoxenus.

2) The period at which he flourished depends partly on the date assigned to Polycrates, on whose usurpation he quitted his native island Samos. Some make him to have been an Etrurian! See Fil. Laparelli diss. sopra la nazione e la patria di Pittagora in Diss. dell' Acad. di Cortona, t. vi. p. 82, sqq., and more in Müller, Etrusker, ii. §. 345. Euseb. places his death at Ol. lxx. B. C. 500; his arrival in Italy, according to Cicero de Rep. ii. 15, (comp. also Iambl. §. 35; Aul. Gell. xvii. 21) took place about B. C. 530, but accounts vary concerning his age at his death, some stating it at eighty, others at one hundred years. See Dodwell de Cyclis (Oxon. 1701,) p. 137, sqq., and his Diss. ii. de ætate Phalaridis et Pythagoræ, (Lond. 1704); Bentl. Opusec. p. 173—203;

de la Nauze and Fréret, in the Mém. de l'Acad. des Inscr. t. xiv. p. 375, sqq.; Larcher, Hérodote, t. vii. p. 549—554; Schultz, App. ad Ann. p. 32, sqq.; Clinton, F. H. vol. ii. p. xxviii.

3) Iambl. §. 254: *ἔπειτα καὶ τῶν νεανίσκων ὄντων ἐκ τῶν ἐν τοῖς ἀξιώμασι καὶ ταῖς οὐσίαις προὐχόντων, συνέβαινε προαγούσης τῆς ἡλικίας μὴ μόνον αὐτοὺς ἐν τοῖς ἰδίοις οἴκοις πρωτεύειν, ἀλλὰ κοινῇ τὴν πόλιν οἰκονομεῖν, μεγάλην μὲν ἑταιρείαν συναγηοχόσιν, ἦσαν γὰρ ὑπὲρ τριακοσίους, μικρὸν δὲ μέρος τῆς πόλεως οὖσι τοῖς οὐκ ἐν τοῖς αὐτοῖς ἤθεσιν οὐδ' ἐπιτηδεύμασιν ἐκείνοις πολιτευομένοις.* Conf. Justin. xx. 4; Diog. Laert. viii. 3. But can these three hundred be considered to have formed a regular government? Comp. Iambl. §. 45; 126; 260. (*οἱ Χίλιοι*).

4) Iambl. §. 259: *τοὺς φίλους ὥσπερ τοὺς θεοὺς σέβεσθαι, τοὺς δὲ ἄλλους ὥσπερ τὰ θηρία χειροῦσθαι, κ. τ. λ.* Comp. also the extracts from Diotogenes and others in Stob. Serm. xlvi. sq., with the excellent comment on the same in Ste.-Croix, l. c. p. 309, sqq.

5) See, besides Iamblichus and the other authorities already given, Diod. Frag. i. x., and comp. Wachsm. ii. 2. §. 12—14. The proverb, *κοινὰ τὰ τῶν φίλων*, is well known; see Beier ad Cic. de Off. i. 16. p. 124; Meinek. ad Menandr. p. 8; Goeller de situ Syrac. p. 218; Ast. ad Platon. t. i. p. 620, etc.

6) Iambl. §. 155: *ἐπεὶ δὲ Σύβαριν ἐχειρώσαντο* (see above, §. 80. n. 20,) *κἀκεῖνος ἀπῆλθε* (on the other hand, Porphyr. V. Pythag. §. 56: *Δικαίαρχος δὲ καὶ οἱ ἀκριβέστεροι καὶ τὸν Πυθαγόραν φασὶ παρεῖναι*) *καὶ τὴν ἔορικτητον διῳκησαντο μὴ κατακληρουχηθῆναι κατὰ τὴν ἐπιθυμίαν τῶν πολλῶν, ἐξερράγη τὸ σιωπώμενον μῖσος, κ. τ. λ.*

7) Diog. Laert. viii. 39; Justin. l. l.; but especially, Iambl. §. 260: *καθάπαξ δὲ τὴν φιλοσοφίαν αὐτῶν συνωμοσίαν ἀπέφαινε κατὰ τῶν πολλῶν . . . . . αἰσχρὸν εἶναι τοὺς τριάκοντα μυριάδων περὶ τὸν Τετράεντα ποταμὸν περιγενομένους ὑπὸ τοῦ χιλιόστου μέρους ἐκείνων ἐν αὐτῇ τῇ πόλει φανῆναι κατεστασιασμένους.*

8) See Diodor. Fragm. l. x. t. iv. p. 57. ed. Bipont.; Iambl. §. 248, sqq.; Porphyr. §. 54, sqq.; Plut. de Dæm. Socr. c. 13. Dodwell (de æt. Pythag. §. 27. p. 211,) and Ste.-Croix (p. 305) set Cylon after the first revolt; but the anachronisms into which those writers have fallen respecting Archytas, Lysis, and Philolaus are easily remedied by assuming that the contest between Cylon's party and the Pythagoreans was not a transient collision, but a long continued struggle. See Böckh's Philolaos, (Berlin, 1819,) §. 7, sqq.

9) Crotona, Metapontum, Caulonia, and others. The history of their greatness being involved in much that is fabulous (Iambl. §. 33. 129, sqq.) the extent of their respective territories in after times cannot be ascertained, and is as uncertain as are the proper limits of Magna Grecia itself. Comp. Cic. de Orat. iii. 34, and more in Mazocchi ad Tabb. Heracl. p. 47, sqq. On Tarentum, see Strab. vi. p. 429. A.

10) See Polyb. ii. 39; Strab. viii. p. 589. A.; and on a similar *πανήγυρις* held at Heraclæa, ibid. vi. p. 429. C.

CHAPTER V.

DOMESTIC HISTORY OF ATHENS DOWN TO THE ESTABLISHMENT OF ITS DEMOCRACY.

PART I.

Ante-historical Period, till Theseus.

§. 91. Considering how Attica, from the peculiarities[1] of its situation and soil, was exempt from the convulsions to which we have seen that the rest of Hellas was subject at the commencement of the historical period, we are led to expect that it would have a history of its own at a much earlier period, did not this very fact of its having been so exempt and isolated, augment extremely the difficulty of distinguishing what is really historical from mere local legends and religious types[2]. Independently of Plato's assertion[3], that Athens surpassed Egypt in antiquity, the existence of many other cities of the same name[4], indicates an originally extensive establishment of that branch[5] of the Pelasgic race whose deity was called Athene and Hero-founder Cecrops[6]; and, in Attica itself, the various names of its people[7] and territory[8] mark the occurrence of changes to which the traditions respecting various kings have no more relation than they have to its original division into twelve independent communities[9], which though most certainly anterior to the historical period[10], was never at any time doubted or disputed[11]. The idea of foreign conquest is excluded by the reputation[12], enjoyed exclusively by the inhabitants of Attica and Arcadia[13], of being

αὐτόχθονες, a reputation to which their right was confirmed by the testimony of antiquity, so far at least as it implied the legitimate right of the inhabitants to their territory, assigning for its commencement a date by far anterior to all record [14]. The colony which, according to the common opinion of later times [15], Attica received from Sais in Egypt [16], was never acknowledged by the Athenians themselves [17]; Cecrops and Erechtheus, the representatives of their earliest existence, who were connected with that colony [18], are mentioned at a still earlier period as Autochthones and Children of the Earth [19].

1) Thucyd. i. 2: *τὴν γοῦν Ἀττικὴν ἐκ τοῦ ἐπὶ πλεῖστον διὰ τὸ λεπτόγεων ἀστασίαστον οὖσαν ἄνθρωποι ᾤκουν οἱ αὐτοὶ ἀεί*; conf. Strab. ix. p. 602. C.: *ἔστι δὲ ἡ χώρα τῶν Μεγαρέων παράλυπρος, καθάπερ καὶ ἡ Ἀττική*. See Jo. Fr. Gronov. ad Sen. Hippol. v. 13; Reisig Enarr. Soph. Œd. Col. v. 663; and especially K. O. Müller's Attika in Ersch and Gruber's Encykl. d. Wiss. u. Künste, vol. vi. §. 515, sqq.—Its area was forty square miles; see Böckh's Publ. Œcon. i. p. 45.

2) See the fragments of the *Ἀτθίδες* of Hellanicus (ed. Sturz, Lips. 1826, p. 53, sqq.); Philocorus, Androtion (coll. Lenz, ed. Siebelis Lips. 1811); Phanodemus, Demo, Klitodemus, Ister (by the same, 1812); see Heyne ad Apollod. iii. 14; J. Meursius, de Fortuna Athenarum (Lugdun. B. 1622); and Lectiones Atticæ (1617).

3) Tim. p. 23. C. sqq.; conf. Critias, p. 109, sqq.—War with Atlantis (Arcadia? vide Müller de Sacris Min. Pol. p. 6); conf. Per. ad Æl. Var. Hist. iii. 18; Baudelot in Hist. de l'Acad. d. Insc. v. p. 49, sqq; Bailly, Lettres sur l'Atlantide de Platon (Paris, 1779), §. 356, sqq.; Ast. Platon's Leben und Schriften, §. 374, etc.

4) Eight are enumerated by Steph. Byz. s. v., among which are that on Lake Copäis in Bœotia, which, with an ancient Eleusis, appears to have been engulfed in that lake, Strab. ix. p. 624. A., Pausan. ix. 24. 2; and Athenæ Diades in Eubœa, Strab. x. p. 684. A.; and Marx. ad Ephori, Fragm. p. 135, sqq.—Hence the *Athenæ Atticæ* of the Roman writers; vide Meurs. de Athen. Att. c. 1.

5) See Herod. i. 56, and Platner's Beiträge (Marb. 1820), §. 12; Larcher's opposition (Hérodote, vii. pp. 262—277) arose from his prejudice against the Pelasgians.

6) See Müller's Orchom. §. 123, sqq.—Was the goddess named from the city, or the city from the goddess? See Em. Rückert, der Deinst der Athena, nach seinen örtlichen Verhältnissen dargestellt (Hildburghausen, 1829), §. 5, sqq.

7) Herod. viii. 44: *Ἀθηναῖοι δὲ ἐπὶ μὲν Πελασγῶν ἐχόντων τὴν νῦν Ἑλλάδα καλεομένην ἦσαν Πελασγοὶ οὐνομαζόμενοι Κραναοί· ἐπὶ δὲ Κέκροπος βασιλῆος ἐπεκλήθησαν Κεκροπίδαι· ἐκδεξαμένου δὲ Ἐρεχθῆος τὴν ἀρχὴν Ἀθηναῖοι μετωνομάσθησαν· Ἴωνος δὲ τοῦ Ξούθου στρατάρχεω γενομένου Ἀθηναίοισι, ἐκλήθησαν ἀπὸ τούτου Ἴωνες.*

8) Strab. ix. p. 608. A.: *πολὺ δ' ἂν πλείων εἴη λόγος, εἰ τοὺς ἀρχηγέτας τοῦ κτίσματος ἐξετάζοι τις, ἀρξάμενος ἀπὸ Κέκροπος· οὐδὲ γὰρ ὁμοίως λέγουσιν ἅπαντες· τοῦτο δὲ καὶ ἀπὸ τῶν ὀνομάτων δῆλον. Ἀκτικὴν μὲν γὰρ ἀπὸ Ἀκταίωνός φασιν, Ἀτθίδα δὲ καὶ Ἀττικὴν ἀπὸ Ἀτθίδος τῆς Κραναοῦ, ἀφ' οὗ καὶ Κραναοὶ οἱ ἔνοικοι· Μοψοπίαν δὲ ἀπὸ Μοψόπου* (conf. Steph. Byz. s. v., and Larcher, l. c. p. 268, sqq.), *Ἰωνίαν δὲ ἀπὸ Ἴωνος τοῦ Ξούθου· Ποσειδωνίαν δὲ καὶ Ἀθήνας ἀπὸ τῶν ἐπωνύμων θεῶν.* Conf. Menand. Rhetor. ii. 3, p. 84, ed. Heeren.

9) Strab. ix. p. 609. A.: *φησὶ Φιλόχορος, πορθουμένης τῆς χώρας ἐκ θαλάττης μὲν ὑπὸ Καρῶν, ἐκ γῆς δὲ ὑπὸ Βοιωτῶν, οὓς ἐκάλουν Ἄονας* (see §. 15, n. 16) *Κέκροπα πρῶτον εἰς δυωκαίδεκα πόλεις συνοικίσαι τὸ πλῆθος, ὧν ὀνόματα· Κεκροπία, Τετράπολις, Ἐπακρία, Δεκέλεια, Ἐλευσίς, Ἀφύδνα, Θόρικος, Βραύρων, Κύθηρος, Σφῆττος, Κηφισία, Φαληρός. Πάλιν δ' ὕστερον εἰς μίαν πόλιν συναγαγεῖν λέγεται τὴν νῦν τὰς δώδεκα Θησεύς.* On their independence (*πρυτανεῖα τε ἔχουσαι καὶ ἄρχοντας*), see Thucyd. ii, 15; on the war between Erechtheus and the Eleusinians (Eumolpus was then their king), to which Thucydides there alludes, consult the commentt. on Eurip. Phœn. v. 869; Isocr. Paneg. c. 19; Platon. Menex. p. 239, B.; Apollod. iii. 15. 4; together with the various opinions given by Platner, Beiträge, §. 27—37; Creuzer, Symbol. iv. p. 342, sqq.; Lobeck, Aglaoph. i. p. 207—214.

10) Thucyd. l. c.: *ἐπὶ Κέκροπος καὶ τῶν πρώτων βασιλέων.*—Cecrops II., according to Meursius (de Regg. Ath. ii. 14); Corsini (Fast. Att. i. p. 188); Clavier (Hist. d. pr. t. i. p. 126). But are they correct?

11) See Boeckh. ad C. Inscr. i. p. 121, sqq., whence it would appear that certain Demi continued at a later period to pay contributions to the *ἱερὰ* at Epacria. It is remarkable that the name Tetrapolis continued for a length of time to be applied to Œnoë, Marathon, Tricorythus, and Probalinthus, see Strab. viii. p. 588. A., and more in Wessel. ad Diodor. iv. 57. The same was perhaps the case with the *Τετράκωμοι*, Poll. iv. 105; Piræus, Phalerus, Xypete, and Thymoetadæ. Compare also E. C. Illgen de tribb. Attic. (Lips. 1826), p. 50, sqq.

12) See Plat. Menex. p. 237. B., with Gottleber's note; and more in Meursius de Fort. Ath. c. 1.

13) Demosth. Falsa Legat. p. 424, extr., and see above, §. 17, note 2—4; what Larcher, l. c. p. 221, says to the contrary, is of no consequence.

14) See Herod. i. 56; vii. 171 (*μοῦνοι ἐόντες οὐ μετανάσται Ἑλλήνων*); Thucyd. i. 2; and compare Wachsm. i. 1. §. 322.

15) Were they not first mentioned in the Tricaranos of (the Pseudo?) Theopompus (Euseb. Præp. Evang. x. 10, p. 491), then by Diodorus, i. 28, and so on? More ancient writers (as Phanodemus and Callisthenes) had, on the contrary, derived the Saitæ from the Athenians. See Siebelis ad Phanod. Frgm. pp. 3. and 80; Creuzeri, Or. de Athen. human. princ. (Franc. ad M. 1826), p. 48, sq.

16) Clavier, i. p. 133; Raoul-Roch. i. p. 113—120; Platner, Beiträge, §. 11, sqq.; Hüllmann's Anf. d. gr. G. §. 88, sqq. etc. etc. Athene was the same with Neith, see Plat. Tim. p. 21. E., and more in Creuzer, Symbol. ii. §. 156, and 675, sqq.; J. C. F. Baehr de Apolline Patricio et Minerva Primigenia (*ἀρχηγετίδι*) Atheniensium (Heidelb. 1820), p. 16, sqq.; M. W. Heffter, die Götterdienste auf Rhodus (Zerbst. 1829), §. 90, sqq.—For an opposite view of the subject, see Müller, Orchomenos, §. 106—109. Compare above, §. 4, n. 6, extr.

17) Isocr. Paneg. c. 4: *ταύτην γὰρ οἰκοῦμεν, οὐχ ἑτέρους ἐκβαλόντες, οὐδὲ ἐρήμην καταλαβόντες, οὐδὲ ἐκ πολλῶν ἐθνῶν μιγάδες συλλεγέντες, ἀλλ' οὕτω καλῶς καὶ γνησίως γεγόναμεν, κ. τ. λ.* Plat. Menex. p. 245. D.: *.... διὰ τὸ εἰλικρινῶς εἶναι "Ελληνες καὶ ἀμιγεῖς βαρβάρων. Οὐ γὰρ Πέλοπες οὐδὲ Κάδμοι οὐδὲ Αἴγυπτοί τε καὶ Δαναοὶ οὐδὲ ἄλλοι πολλοὶ φύσει μὲν βάρβαροι ὄντες, νόμῳ δ' "Ελληνες, συνοικοῦσιν ἡμῖν, ἀλλ' αὐτοὶ "Ελληνες, οὐ μιξοβάρβαροι οἰκοῦμεν, κ. τ. λ.*

18) The name of Erechtheus occurs in this connection in Diod. i. 29, and Charax ap. Schol. Aristid. Panath. t. iii. p. 17, ed. Dind.; compare Creuzeri Meletemata, t. i. p. 63. The fact that Erechtheus was the representative of the whole people shows him to have been anterior to Cecrops. See Hom. Il. ii. 547, and more in Corsini, Fast. Att. i. p. 178. Cecrops first occurs in connection with Egypt in Euseb., then in Tzetzes, Suidas, and so on; in his stead, Diodorus has Petes, the father of Menestheus (Il. ii. 552). Hence the fable of the double form of Cecrops, (compare Meurs. de Regg. Ath. i. 8; Wyttenb. ad Plut. de S. N. V. p. 36; Creuzer's homer. Br. §. 113; Meier de bonis damn. p. 65,), was applied also to Erechtheus or Erechthonius; see next note.

19) Cecrops *αὐτόχθων συμφυὲς ἔχων σῶμα ἀνδρὸς καὶ δράκοντος*, Apollod. iii. 14. 1.—Erechtheus, *ὁ γηγενὴς λεγόμενος*, Herod. viii. 55; Dionys. Hal. Frgm. xiv. 4, which must have had a symbolical import. See Creuzer's Symbol. ii. p. 653.

§. 92. The whole series of kings with which the earliest history of the land is connected[1], consists of a mere maze of mythical personages, and personifications of localities[2]; and its fabulousness is evident from the inconsistencies and want of connection observable in it[3]. Most writers make it commence with Cecrops, (Ogyges[4] belongs to Bœotia[5],) but some place a certain Actæus first, whom Cecrops succeeded in consequence of having married his daughter. In it, Cecrops is succeeded (his son Erysichthon having died young) by Cranaus, Amphictyon, and Erichthonius, without any pretension to being kinsmen; but with the last an hereditary dynasty is commenced, in which, between the names Erichthonius and Erectheus (acknowledged as identical even by antiquity[7]), Pandion I., Cecrops II., and Pandion II., are thrust in, evidently to fill up the blank between that point and the time of Theseus and his father, Ægeus. The division of the territory among the sons of Pandion[8], appears however to be founded on fact: Nisus received

Megara, which Pandion had obtained by marriage, and which the Dorians subsequently rent from Attica[9]; Ægeus had the western coast, ἀκτὴ, the seat of his father's government; the two other brothers, Pallas and Lycus, received the eastern division, Διακρία, and the southern extremity, παραλία; this division is not only agreeable to the physical peculiarities of the country[10], but recurs[11], at a much later period, and in so prominent a manner, in the account of the dissensions in the time of Solon and Pisistratus, that it must be allowed to have been that which prevailed before the time of Theseus[12] and the union he is said to have effected.

1) Apollod. iii. 14, sqq.; Justin. ii. 6, and the chronicles contained in the Marm. Oxon. and Eusebius, which Corsini, Fast. Att. t. iii. p. L, sqq., and Larcher, t. vii. p. 277, sqq., have made fruitless endeavours to reconcile. See at large, J. Meursii Regnum Atticum s. de Regibus Atheniensium (Amstel. 1633), libb. i. ii.; also Clavier, i. p. 133—165.

2) Thus Erichthonius, the son of Hephæstus by the Earth, or, as others said, by Athene, was fabled to have been educated by the daughters of Cecrops, Herse, Agraulos (or Aglauros), and Pandrosos; see Meurs. l. c. i. 11; Creuzer's Symbol. ii. p. 726—735; Müller de Sacris Min. Pol. p. 5. Erechtheus was worshipped as Neptune in the sacred enclosure of Athene Polias by the Eteobutadæ, the mythical descendants of his brother Butas, Pausan. i. 26. 6; Heyne ad Apollod. iii. 15. 1; Müller, l. c. p. 8, sqq. In like manner, local relations were expressed in the names Cranaus (the hamlet Κραναὰ occurs Aristoph. Lysistr. 480; comp. Acharn. 75, and more in Wachsm. i. 1. §. 24. n. 42), and Actæus (Ἀκτή), the coast, more particularly the western, see Steph. Byz. s. v. and below, n. 8).

3) Wachsm. i. 1. §. 225. "The drudges in Attic legends have with vast pains drawn up a list of kings; the thread of lineal descent fails them now and then, but is recovered by means of an Autochthon, like Cranäus, or the son of some deity, as Erectheus."—Senec. de Benef. iii. 28: *qui, quum majores suos recensent, ubi illustre nomen deficit, illo deum infulciunt.*

4) Euseb. Chron. i. p. 226, Armen.; Præp. Evang. x. 10. p. 489; conf. Sturz. ad Hellan. p. 56; ad Acusil. p. 218; Siebel. ad Philoch. p. 15.

5) Near the lake Copais; see last §. n. 4, and compare Müller, Orchom. §. 129, 130, and the quotations in Meurs. i. 1; Beck. i. §. 358; Reisig Enarr. Soph. Œdip. Col. v. 1761.

6) Pausan. i. 2. 5.

7) See Meurs. ii. 1; Hüllmann's Anf. d. gr. G. §. 49; Creuzer's Symbol. ii. p. 726, sqq. Justin also mentions only Amphictyon, Erechtheus, and Ægeus; for the Ποσειδῶν Ἐρεχθόνιος of Apollod. iii. 15. 1, others have Ποσειδῶν Ἐρεχθεύς; compare Creuz. ad Cic. de Nat. D. iii. 19. p. 575.—They were first distinguished by Eurip. (Ion, v. 280), and not, as Müller says, (Orchom. §. 123) by Plato in the Critias, p. 110. A.

8) Sophocl. ap. Strab. ix. p. 601. C.; conf. Heyne, ad Apollod. iii. 15. 6.

9) Whence the famous boundary pillars between Megara and Corinth: *τάδ' οὐχὶ Πελοπόννησος, ἀλλ' Ἰωνία, κ. τ. λ.* Compare Plut. Thes. c. 24, and Reinganum's Megaris, §. 62.

10) Compare Schömann de Com. Ath. p. 342, sqq.; Ersch and Gruber's Encykl. ubi sup. §. 217; Thucyd. ii. 55, 56.

11) Pediæi, Paralii, and Diacrii, Herod. i. 59; Plut. Solon. c. 13; comp. Schol. Aristoph. Vesp. 1223: *κατὰ γὰρ τοὺς Σόλωνος νόμους* (?) *τρεῖς ἦσαν αἱ τάξεις — — τὴν δὲ χώραν τὴν Διακρίαν Πανδίονά φασι τοῖς υἱοῖς διανείμαντα τὴν ἀρχὴν Λύκῳ δοῦναι, Αἰγεῖ δὲ τὴν περὶ τὸ ἄστυ, Πάλλαντι τὴν Παραλίαν, Νίσῳ δὲ τὴν Μεγαρίδα.*—Platner, de gentibus Atticis earumque cum tribubus nexu (Marb. 1811, and in Beck's Acta Sem. Reg. Lips. t. ii. p. 473, sqq.), fancies he discovers in them three different races.

12) The fate of Nisus (against Minos) is well known; Lycus had previously been expelled by Ægeus (Herod. i. 173), Pallas by Theseus; Plut. Vit. Thes. c. 13; conf. Schol. Eurip. Hippol. v. 35.

§. 93. Traces of the same territorial division are also found in the four tribes (*φυλαί*) into which tradition distributes the Atticans as early as Cecrops and Cranaus, although two mythical are always in juxtaposition with two local names; thus under Cecrops we have Cecropis and Autocthon—Actæa and Paralia; under Cranaus, Cranais and Atthis, Mesoræa and Diacris[1]. Whether the name of the next monarch denote an Amphictyony consisting of the independent communities of Attica[2] is uncertain; however obscure, again, may be the new relations implied by the names which those tribes assumed under Erichthonius, namely, Dias, Athenais, Posidonias, and Hephæstias, still they too indicate a very early territorial division; for, although Minerva and Jupiter afterwards passed for the deities of the whole country[3], Vulcan was in various ways connected with its myths[4], and Minerva herself, according to Strabo, was once called Posidonia. It is just as improbable in this as in the foregoing cases, that poetical designations of the whole country should, in course of time, have been restricted to single tribes[5]. Much rather may we suppose the early

designations of individual races to have been appropriated to the whole nation at the period when they coalesced into one. It is thus very easy to see how the legendary contest between Athene and Poseidon[6] may have had a politico-historical as well as a physico-religious import; for in the Metionide Dædalus[7], and others, whom Pandion II. is said to have expelled, it is impossible not to recognise the race of Hephæstus, to whom, at a later period, a branch of the Dædalidæ[8] traced their origin; whilst the name Pandion reminds one of the festival Pandia[9], of which the etymology seems to indicate[10] the same relation to the tribe Dias, as that which existed between the Panathenæa and the tribe Athenais.

1) Pollux. viii. 109; conf. Platner, ubi sup. §. 4, sqq.; Schömann de Com. Ath. p. 345, sqq.; Tittmann, §. 207; Göttling, in the Hermes, xxiii. §. 106.

2) So among others, Böckh, Abh. d. Berl. Acad. v. 1816, §. 117; Müller de Sacris Min. Pol. p. 1; compare also Ste.-Croix des gouv. féd. p. 116; but see above, §. 12. n. 18.

3) On Athene, see §. 91. n. 16; on Ζεὺς ἑρκεῖος especially, see Platner, §. 91, sqq.; did they worship him as πατρῷος? comp. Platt. Euthyd. p. 302. D. with Heindorf's note; also Herm. ad Soph. Trachin. v. 287, and ad Aristoph. Nubb. v. 1472; he was worshipped also as Μειλίχιος (the Diasia), Thucyd. i. 126; as Πολιεὺς (the Dipolia and Bouphonia), Paus. i. 24. 4; Ælian. Var. Hist. viii. 3, and the commentt. on Aristoph. Nubb. v. 982.

4) See Creuzer ad Cic. de Nat. D. iii. 22. p. 599; and Symbol. ii. §. 653—660.—Hence the Hephæstæa, Andoc. Myster. §. 135; Xenoph. Republ. Ath. iii. 4.

5) So Schömann, l. c. p. 349, and after him Illgen de Tribb. Athen. p. 7; also F. G. Welcker, alt-attischer Feuerdienst (in his Æschylische Trilogie Prometheus, Darmst. 1824), §. 302, who is of opinion that such mythical names were invented solely for the purpose of investing the several parties mentioned above, §. 92. n. 11, with a semblance of antiquity.

6) See the authorities cited by Creuzer, Symb. iv. p. 343.

7) Apollod. iii. 15. 5; Pausan. i. 5. 3.—The genealogy ran thus (Diod. iv. 76); Erechtheus—Eupalamus—Metion—Dædalus. Compare Welcker, ubi sup. §. 291, sqq.

8) Plat. Alc. i. p. 121. A.; comp. Euthyphr. p. 11. C.

9) Demosth. Mid. p. 517, and Buttm. §. 120; comp. Böckh in Abhh. d. Berl. Acad. v. 1818, p. 65, where they are properly distinguished from the Diasia, in contradiction of Taylor.

10) Thus also Welcker, §. 302, sq.; who, however, considers the Pandia to have been a general festival to Jupiter preparatory to the Panathenæa. But is there not good reason to conclude that they were originally called Διῶα, just as the Panathenæa were at first simply Ἀθήναια? Compare Paus. viii. 2. 1; Apollod. iii. 14. 6; Harpocr. s. v., and Meursii Panathenæa (L. B. 1619), c. 3.—Not to forget the name Athenæ Diades (§. 91. n. 4).

§. 94. But of far greater importance, and historically authenticated by their continuance down to the time of Clisthenes, (B. C. 510,) are the four Ionian tribes[1] of the Geleontes or Teleontes, Hopletes, Argadenses, and Ægicorenses. Tradition[2] says that in the time of Erechtheus, Xuthus, son of Hellen, settled in the Tetrapolis, and obtained the hand of his daughter Creusa in return for certain services; his, or rather Apollo's, son Ion is said to have so far won the confidence of the population of the whole country, that he was commissioned to frame a constitution for the state, and thereupon made four divisions of the people, according to their several professions[3]. It is very evident that the names of the tribes we have just mentioned, and which some derive from the sons of Ion, denoted nothing else than such castes, as we may call them[4] (see above, §. 5), although authorities vary as to their respective appellations. Plutarch, for instance, enumerates them as husbandmen, warriors, mechanics, and herdsmen; whilst Strabo, instead of the last, has priests. Αἰγικορεῖς as plainly denotes goatherds as ὁπλῆτες warriors; the Ἀργάδεις may easily denote husbandmen, notwithstanding Plutarch's interpretation, since he seems to have been misled by the false reading of Γεδέοντες for Τελέοντες[5]; still it is confessed that the difficulty respecting both the meaning and the etymology of this last name is not thus fairly disposed of. Supposing that Τελέοντες be the right reading, it is uncertain whether we are to understand by it serfs[6], or a priesthood[7]; but as the former appears the better authenticated[8], and none of the meanings hitherto as-

signed refer to a priesthood[9], we must follow the majority of authorities[10] and not enumerate them as a distinct caste.

1) Herod. v. 66: *μετὰ δὲ τετραφύλους ἐόντας Ἀθηναίους δεκαφύλους ἐποίησε, τῶν Ἴωνος παίδων, Γελέοντος καὶ Αἰγικορέως καὶ Ἀργάδεω καὶ Ὁπλητος, ἀπαλλάξας τὰς ἐπωνυμίας.* Conf. Eurip. Ion, v. 1596, sqq. and Poll. viii. 109: *... ἀπὸ δὲ τῶν Ἴωνος παίδων ἐπὶ Ἐρεχθέως Τελέοντες* (olim *τε καὶ Λέοντος*) *Ὁπλητες, Αἰγικορεῖς, Ἀργάδεις.*

2) Vid. Eurip. Ion passim; Pausan. vii. 1. 2, and a further account in Meurs. de Regg. Athen. ii. cc. 8. 10; Lectt. Attic. vi. 21; Schœmann, de Com. Athen. p. 351.

3) Strab. viii. p. 588. A.: *ὁ δὲ πρῶτον μὲν ἐς τέσσαρας φυλὰς διεῖλε τὸ πλῆθος, εἶτα εἰς τέσσαρας βίους· τοὺς μὲν γὰρ γεωργοὺς ἀπέδειξε, τοὺς δὲ δημιουργούς, τοὺς δὲ ἱεροποιούς, τετάρτους δὲ τοὺς φύλακας· τοιαῦτα δὲ πλειω διατάξας τὴν χώραν ἐπώνυμον ἑαυτοῦ κατέλιπε.* Conf. Plut. V. Solon. c. 23: *καὶ τὰς φυλὰς εἰσὶν οἱ λέγοντες οὐκ ἀπὸ τῶν Ἴωνος υἱῶν ἀλλ' ἀπὸ τῶν γενῶν εἰς ἃ διῃρέθησαν οἱ βίοι τὸ πρῶτον, ὠνομάσθαι· τὸ μὲν μάχιμον ὁπλίτας, τὸ δ' ἐργατικὸν ἐργάδεις, δυεῖν δὲ τῶν λοιπῶν γεδέοντας μὲν τοὺς γεωργούς, αἰγικορεῖς δὲ τοὺς ἐπὶ νομαῖς καὶ προβατείαις διατρίβοντες.*

4) Vide supra, §. 5. n. 2—4; coll. Plat. Crit. p. 110. C.: *ᾤκει δὲ τότ' ἐν τῇδε τῇ χώρᾳ τὰ μὲν ἄλλα ἔθνη τῶν πολιτῶν περὶ τὰς δημιουργίας ὄντα καὶ τὴν ἐκ τῆς γῆς τροφὴν, τὸ δὲ μάχιμον ὑπ' ἀνδρῶν θείων κατ' ἀρχὰς ἀφορισθεν ᾤκει χωρὶς κ. τ. λ.*—Conjectures as to the connection between these successive appellations and the early history of the country may be seen in Welcker, §. 294, sqq.; attempts to explain them by its localities, in Platner, §. 43—57. (on the Erichthonian *φυλαὶ* see his work de gentib. extr.), and Buttmann on the *φρατρία* (Abh. d. Berlin Acad. 1818) in his Mythol. ii. §. 321, 322. On the other hand see Illgen, p. 44—50.

5) From *γῆ* and *δαίειν*, equivalent to *γεωμόροι*? We may add that Buttmann, §. 327, and Welcker (Prolegg. ad Theogn. p. 20), do not absolutely reject this form.

6) So Boeckh, in the preface to the Index lectt. Berol. æst. 1812; printed in Beck's Actt. Sem. Reg. Lips. ii. p. 452—460; conf. Publ. Œcon. Ath. ii. p. 20; Müller, Orchom. §. 307; de Sacris M. P. p. 12 (Telcon, one of the Argonauts, was father of Butas, Apollod. i. 9. 16). Like the Thetes in after times, *ἕκτα τῶν γινομένων τελοῦντες*, Plut. V. Solon. c. 13; see also Feodor Eggo Unterg. d. Naturst. §. 143; Illgen, p. 38, sqq.

7) Platner, §. 52; Tittmann, §. 570; Wachsm. i. 1. §. 327.—Welcker, on the other hand, refers to *τέλη*, offices including those of the priesthood also.

8) *Τελίων* is the reading in the MSS. of Eurip. and Steph. Byz. in voce *Αἰγικόρεως*. Inscriptions from Cyzicus and Teos, cities of the same Ionic race, have on the other hand *Γελέοντες*. See, in particular, G. Hermanni, Præf. ad Eur. Ion, p. 21, sqq.

9) The derivation usually given is from *γελεῖν*, id. q. *γελᾶν*, splendere, *λάμπειν*, Heysch. i. p. 811; whence "splendidi, illustres," is proposed as the meaning; see Wessel. ad Herod. v. 66; Lennep. ad Phalar. Epistt. p. 308;

Hüllmann's Anfänge, §. 239, sqq.; Creuzer's Symbol. iii. §. 53; iv. §. 153; Schömann de Com. Ath. p. 356; Göttling in the Hermes, xxiii. p. 107; Welcker, ut sup.; and Wachsm. i. 1. §. 228; who all consider the word a title of the Τελέοντες. The same is Boeckh's opinion, but he derives it from Γεώλεως, *landed proprietors*. Illgen's attempt, §. 34, sqq., to show it is only an older form for τελέοντες, as γέγγυα is found for τέγγει, in Hesych., is ingenious; but it must be remembered that Hesychius occasionally takes the trouble to explain as glosses mere errors of the copyist; conf. Taylor, Lectt. Lys. p. 279, sqq., 284.

10) We thus have—Husbandmen, Mechanics, Herdsmen, Warriors. Strabo alone introduces the Priests, who are omitted in Plutarch and Plato; the passage of the Timæus (p. 24. A.; see above, §. 5. n. 2) has reference only to the Egyptians. All the authorities have the Husbandmen, whom Schömann includes under the Herdsmen, and Welcker incorporates with the Priests.

§. 95. There is internal evidence in support of this opinion. For instance, as the actual existence of a priesthood among the Atticans in the earliest period of their history, and of its remnants in historical times cannot be disputed[1], so the legends concerning the accession of Ion seem to import the loss of its influence as a constituent portion of the state—the expulsion, in fact, of a priestly dynasty by kings of the warrior caste. Hence in other accounts Ion figures not merely as a military commander and framer of a government[2], but as really a prince[3], and Erectheus is represented as the last of his line, with which many even of the ancient authorities declared that neither Ægeus nor Theseus were connected[4], notwithstanding the pains taken to prove their relationship. If this be admitted, it will not be necessary to make Cecrops an Ionian[5], in order to explain the identity of the Ionians and Athenians, nor need the political change he effected be confounded with the Ionian invasion in the time of Codrus[6]. Ion himself is, in fact, only a general personification; but Theseus and his father Ægeus display such evident proofs of their Ionian origin[7], that their names must be recognised as indications of the time at which Athens assumed this its peculiarly historical character, and began to develope in an order

of free knighthood[6] the purely Hellenic character as a nation and a state.

1) Comp. above, §. 5. n. 5; and Spanh. ad Callim. h. in Pall. v. 34.

2) Στρατάρχης, Herod. viii. 44; conf. Strab. viii. p. 588. A.: Ἴωνα δὲ τοὺς μετ' Εὐμόλπου νικήσας Θρᾳκας οὕτως εὐδοκίμησεν, ὥστ' ἐπέτρεψαν αὐτῷ τὴν πολιτείαν Ἀθηναῖοι.

3) Eur. Ion. v. 1592; Conon. Narr. c. 27. Comp. Müller, Orchom. §. 124, coll. 229.

4) Plut. Thes. c. 13: Αἰγεὺς θετὸς γενόμενος Πανδίονι καὶ μηδὲν Ἐρεχθείδαις προσήκων. Conf. Müller, de Sacris Min. Pol. p. 2; Meurs. de Regg. Athen. ii. 15; Heyne ad Apollod. iii. 15. 5. extr.

5) As Buttmann has done in v. φρατρία, Mythol. ii. §. 324, and after him Illgen, l. c. p. 56.

6) As by Platner, §. 43—49; conf. Clavier, ii. p. 71—77.

7) See Wachsm. i. 1. §. 227, sqq.

8) Independently of the general character which Ion bears in history (comp. Schömann de Com. p. 358. n. 32) there are several circumstances favourable to the hypothesis which makes the Ionians to have been originally Hoplites, and afterwards a class of nobles forming the cavalry. Such as their residence in the Tetrapolis (Herod. vi. 102: Μαραθὼν ἐπιτηδειότατον χωρίον τῆς Ἀττικῆς ἐνιππεῦσαι, comp. §. 57. n. 2); and the introduction of the festival Boëdromia ascribed to Ion; Spanheim ad Callim. h. Apoll. v. 69, comp. Müller's Dorians, vol. ii. p. 444; Ægeus is said to have been the son-in-law of Hoples, Müller, Orchom. §. 184; Tittmann, §. 570.

§. 96. And here recurs the question whether the superiority obtained by the Ionians in Attica was the result of a foreign invasion, or of internal commotions. And with this question is closely connected another—whether the Ionians were, according to the commonly received hypothesis, Hellenes and kinsmen of the Dorians and Achæans, or whether they, as well as the first population of Attica, were not rather, as Herodotus asserts, Pelasgi? In the first case they must have conquered the country, as the Dorians did the Peloponnesus, and have made the original inhabitants tributary[1]; but the inconsistencies in the genealogy of Hellen and his three sons have already been noticed[2], and the manner in which tradition attempts to adjust that genealogy to the sudden appearance of Xuthus in Attica is not calculated to increase its credit[3]. Several other circumstances lead us to conjecture as

much more probable, that the oldest Ionian settlements[4] were in this country; and although Ægialea and Eubœa may have received their first Ionian settlers from Attica[5], yet the Cynurii, who, equally with the Arcadians, claimed to be the original inhabitants of the Peloponnesus[6], strongly attest the autochthony of their kinsmen in Attica. The etymology of the name Iones is obscure[7]; the identity of the deity of their clan, Apollo[8], of whom there is no trace in the early Myths of Athens[9], would seem to mark a connection between them and the Dorians[10], did not a difficulty here arise in the fact that Neptune, who is no less intimately connected in legendary story with the first Ionian princes[11], subsequently vanishes, almost wholly, from among the Dorians, a circumstance which reminds us of the interchange of the worship of the two deities which tradition represents to have occurred in several other places[12], and leads us to prefer that hypothesis by which that change is considered to have resulted rather from internal divisions, terminating in history with the appearance of the name of Theseus, than from foreign invasion.

1) So Boeckh, ubi sup., and Müller, Orchom. §. 307, 308, whose arguments however rest chiefly on the reading Τελέοντες. Comp. also Illgen, l. c. and Welcker, §. 296.

2) See above, §. 8. n. 11. Aristotle appears to support Herodotus, Metaph. iv. p. 118. 14. ed. Brandis: *οὕτω γὰρ λέγονται οἱ μὲν* Ἕλληνες *τὸ γένος, οἱ δὲ* Ἴωνες, *τῷ οἱ μὲν ἀπὸ* Ἕλληνος, *οἱ δὲ ἀπὸ* Ἴωνος *εἶναι πρώτου γεννήσαντος.*

3) Strabo, viii. 587. C. D.; Pausan. vii. 1. 2. But Schömann also, de Com. pp. 351—358, makes the Ionians refugees in Attica, and assigns them the Tetrapolis in return for military service. (Eur. Ion. 59).

4) Epidaurus, Trœzen, etc. See Müller's Dorians, i. p. 94, and Wachsmuth, i. 1. §. 48, according to whom indeed they first settled in Attica under Theseus, i. 1. §. 226.

5) On Eubœa, see §. 77. n. 4; according to Scymn. Ch. v. 573, Chalcis had been previously founded by a son of Erechtheus. On Ægialea, see Herod. vii. 94; Strabo and Pausan. ll. cc. In the latter, Xuthus disappears after his expulsion from Attica by the sons of Erechtheus, but, as Ion's tomb was shown in the Demus of the Potamii, he makes Ion to have returned to help the Athenians in the war with Eleusis, which however occurred during the lifetime of Erechtheus himself. Strabo makes the other

son, Achæus, to have withdrawn to Lacedæmon; Pausan. says he went into Thessaly—so inconsistent is the whole legend. Compare Clavier ad Apollodor. ii. p. 87, sq.; Beck, §. 828, sqq.

6) Herod. viii. 73: οἱ δὲ Κυνούριοι αὐτόχθονες ἐόντες, δοκέουσι μοῦνοι εἶναι Ἴωνες, ἐκδεδωρίευνται δέ, κ. τ. λ. Conf. §. 33. n. 8.

7) See Beck, §. 348. Buttmann, über d. myth. Verb. Griechenlands mit Asien (Mythol. ii. §. 197, sqq.), connects it with Io, Iasos, etc., making the Pelasgic Argives to have been Ionians; Illgen, l. c. p. 58, deriving it from ἴέναι, considers it to have denoted a migratory tribe; it might with as good reason be considered synonymous with ἴτης (Heind. ad Plat. Protag. p. 608; Jacobs, Lectt. Stobb. p. 12). According to Müller, Prolegg. §. 274, Ξοῦθος was equivalent to Ξανθὸς, and consequently Xuthus was identical with Apollo.

8) If not the Ἀπόλλων πατρῷος, see Platon. Euthyd. p. 302. C, with the commentt., at any rate the Delphian Apollo, Republ. iv. p. 427, B.; conf. Demosth. de Cor. c. 46, p. 247. 27; Aristid. Panath. p. 181, Dind.; Ephorus indeed, ap. Strab. ix. p. 646. C., makes Apollo to have come to Delphi from Athens. See at large, Platner, §. 88, and Baehr de Apolline Patricio, etc., who identifies him with the Egyptian Horus, following Cic. de Nat. D. iii. 22. *Vulcanus . . . ex quo et Minerva Apollinem eum, cujus in tutela Athenas antiqui historici esse voluerunt — ??*

9) Vide Müller de sacris Min. Pol. p. 3.

10) Müller's Dorians, i. p. 243—272.

11) Theseus, for instance, see Müller's Dorians, i. p. 267.; Prolegg. §. 272. (Ægeus is made the same with Neptune, see Welcker, §. 296, coll. 149); and compare Creuzer's Symbol. iv. p. 110, sqq.—Thus the Isthmian games continued to be celebrated in his honour (see above, §. 10. n. 14); and he was worshipped as Neptune Heliconius at Mycale (§. 77. n. 19).—To the Dorians, on the other hand, he appears to have been quite a stranger: see Müller's Dorians, i. p. 417.—On the decline of his worship in Attica, see Wachsm. ii. 2. §. 141.

12) Apollo and Neptune are fabled to have exchanged Delos and Calaurea, Tænarum and Delphi; see Strabo, viii. p. 574. A., and a further account in Müller, Ægin. p. 26, sqq. The latter author, indeed, derives the worship paid to Apollo at Delos from Crete, Dorians, i. p. 243, sqq.; compare Raoul-Roch. ii. p. 149—152; but see Höck's Kreta, ii. §. 108, sqq., particularly §. 130, and comp. above, §. 20. n. 7. Creuzer, Symbol. ii. p. 659, sq., gives a different explanation.—The legend respecting the transfer to Hercules of the honours paid to Theseus, even in Attica, is very remarkable. Eurip. Herc. Fur. 1300; Plut. Thes. c. 34; Aristid. Panath. t. i. p. 58, Dind.; comp. Müller's Dorians, i. p. 445, sqq.

PART II.

From Theseus to Solon.

§. 97. Although no authentic history can be imagined without a knowledge of the chronology and definite information respecting the acts and fate of the individual of which it is to treat, (and Theseus and his

immediate successors are anterior to all such information[1],) still the name Theseus can hardly be considered as merely the personification of a period of regulations and enactments[2]; and the history of Athens may be said to commence with him as much as the institutions on which its subsequent greatness was founded are ascribed to him. To consider Theseus as the actual framer of the democracy, would be an anachronism[3] similar to that which some have made in the case of Servius Tullius[4]; but, inasmuch as he collected the scattered commonalty of Attica at one Prytaneum[5], and formed a town at the foot of the old Cecropian citadel[6], he made the first advance towards it[7]; nor was it without reason that the Attic Demos perpetuated the yearly festival of the Συνοικίαι[8] in commemoration of the event. It was natural that with the termination of the Ionian revolution and the fall of the old régime, the distinction of castes should vanish; and their names, which continued in use till the time of Clisthenes[9], became mere statistical, perhaps even local, distinctions[10].

1) On this subject in general, see Isocr. Laud. Helen. pp. 496—504; Diodor. iv. 59—63; Plut. Vit. Thesei; and a more detailed account in J. Meursii Theseus (Ultraj. 1684, and in Gron. Thes. t. x.); Phil. Bernard, Comm. hist. crit. de Archontibus reip. Atheniensis, in Ann. Acad. Lovaniensis, a. 1823—24, p. 12—20. On the mythical import of the name, see Creuzer's Symbol. iv. p. 108, sqq.—According to Euseb. he flourished fifty-four years before the fall of Troy.

2) See Creuzer, ut sup. §. 119; from *Θέσθαι*.—Hüllmann, Anfänge, p. 215, conjectures that it was from *θής*.

3) Pausan. i. 3. 2: *Ἐπὶ δὲ τῷ τοίχῳ τῷ πέραν Θησεύς ἐστι γεγραμμένος καὶ Δημοκρατία καὶ Δῆμος. Δηλοῖ δὲ ἡ γραφή, Θησέα εἶναι τὸν καταστήσαντα Ἀθηναίοις ἐξ ἴσου πολιτεύεσθαι· κεχώρηκε δὲ φήμη καὶ ἄλλως ἐς τοὺς πολλοὺς, ὡς Θησεὺς παραδοίη τὰ πράγματα τῷ δήμῳ καὶ ὡς ἐξ ἐκείνου δημοκρατούμενοι διέμειναν*, κ. τ. λ. See further, Meurs. l. l. c. 18; Tittmann, §. 71.

4) Niebuhr, R. H. i. p. 425, sqq.—"*Tullius, qui libertatem civibus stabiliverat*," Attius apud Cic. pro Sextio, c. 58.

5) Thucyd. ii. 15; Plut. Vit. Thes. c. 23. Conf. Hemsterh. ad Aristoph. Plut. p. 209. He effected what Thales afterwards proposed without success to the Ionians of Asia Minor (Herod. i. 170): *ὃς ἐκέλευε ἓν βου-*

λευτήριον Ἴωνας ἐκτῆσθαι — — τὰς δὲ ἄλλας πόλιας οἰκεομένας μηδὲν ἧσσον νομίζεσθαι κατάπερ εἰ δῆμοι εἶεν.

6) Plut. l. c.: τὸ ἄστυ τήν τε πόλιν Ἀθήνας προσηγόρευσε, by way of distinction, as Liv. xxxiv. 1: *in urbe oppidove.* Ἄστυ, *astu*, κατ' ἐξοχήν, Athens, conf. Ast. ad Plat. Remp. p. 317; Geel Anecdd. Hemsterh. p. 147, and in particular the commentt. on Cicero de Legg. ii. 2: *priusquam Thesus — in astu, quod appellatur, omnes se conferre jussit.*—Πόλις continued to be used in the sense of ἀκρόπολις, comp. Hemsterh. ad Plutum, p. 261; Jacob ad Lucian. Alex. p. 124; Wachsm. i. 1. §. 316, and Meursii Cecropia, s. de arce Athenarum (L. B. 1622). On the city of Athens itself, see also Meursii Athenæ Atticæ s. de præcipuis Athenarum antiq. lib. iii. (ibid. 1624); Hawkins, in Walpole's Memoirs, t. i. p. 480, sqq., and W. M. Leake's Topography of Athens, with some remarks on its antiquities (Lond. 1821); J. Stuart and N. Revett's Antiquities of Athens (Lond. 1762, and reprinted 1825); and W. Wilkins, Atheniensia, or Remarks on the topography and buildings of Athens (Lond. 1816); Barthélémy, Voy. d'Anach. chap. xii.; and K. O. Müller, in Ersch u. Gruber's Encykl. vi. pp. 228—241.

7) See above, §. 61. n. 8; and the Oligarch in Theophr. Charact. xxix. 4: τὸν Θησέα φήσας τῶν κακῶν τῇ πόλει γεγονέναι αἴτιον· τοῦτον γὰρ ἐκ δώδεκα πόλεων καταγαγόντα λῦσαι τὴν βασιλείαν.

8) On the 16th of the month Hecatombæon. See Hudson ad Thucyd. l. c., and Schol. Aristoph. Pac. v. 948. Plutarch calls it Μετοίκια, but compare Meier de bonis damn. p. 120, and Larcher, Mém. de l'Acad. d. Inscr. xlviii. pp. 285—288.

9) This appears to be the only, but a very satisfactory way, of accounting for the connection of names, originally denoting caste, with a political change of a character totally at variance with the restrictions of that state of society—what had originally been a caste, βίος, by this change came to be a tribe, φυλή. Strabo has confounded the two.

10) Tittmann, §. 269. But see above, §. 94. n. 4.

§. 98. It was not however a democracy that succeeded to the old system, but rather the foundations of an aristocracy were laid. This appears from the names of the several ranks instituted by Theseus, the Eupatridæ, Geomori, and Demiurgi[1]. To compare these as Diodorus has done[2] with the castes of Egypt, or to consider them as mere reorganisations or modifications of the Ionian tribes[3], φυλαὶ, is forbidden on the one hand by the character of the times, on the other by the fact that their divisions have not so much the character of a mere statistical as of a marked aristocratical distinction of ranks[4], which would have necessarily died away as nearer approaches were made

to democratical equality; whereas those tribes continued even unaltered. Moreover, there must have been Eupatridæ in every tribe, if the φυλοβασιλεῖς were chosen from that order[5]. It cannot however be shown[6] with certainty, to say the least, that these three ranks were subdivisions of each tribe similar to the three Phratriæ[7], or even that they gave rise to them[8]. It would be more reasonable to suppose that the twelve Phratriæ, the local character of the tribes being granted, were relics of the twelve communities which Attica originally contained[9], did we not know that there was one phratria, that of the Achniadæ, the name of which does not appear among them[10].

1) Plut. Thes. c. 24: πρῶτος ἀποκρίνας χωρὶς Εὐπατρίδας καὶ Γεωμόρους καὶ Δημιουργούς, Εὐπατρίδαις μὲν γινώσκειν τὰ θεῖα καὶ παρέχειν ἄρχοντας ἀποδοὺς καὶ νόμων διδασκάλους εἶναι καὶ ὁσίων καὶ ἱερῶν ἐξηγητάς· τοῖς ἄλλοις πολίταις ὥσπερ εἰς ἴσον κατέστησε, δόξῃ μὲν Εὐπατριδῶν, χρείᾳ δὲ Γεωμόρων, πλήθει δὲ τῶν Δημιουργῶν ὑπερέχειν δοκούντων. For a further account, see Schömann de Com. p. iv.

2) Diodor. i. 28; compare also Plat. Crit. p. 110; Hüllmann's Anfänge, §. 90.

3) Feodor Eggo, §. 139, sqq. Compare also Platner, Beitr. §. 41, sqq., who indeed considers them as the more ancient (see §. 95. n. 6), although he reduces them (de gentib. p. 8) to the local division, Πεδιεῖς, Πάραλοι, Διάκριοι: so also Welcker, §. 300. After the distinction of the ancient tribes had been confounded, the Teleontes and Hopletes, together formed the class of Eupatridæ, the Argadeis became Demiurgi, the Ægicoreis became dependent Geomori.

4) As, in Germany, the Nobles, Burghers, and Peasants. See Illgen, p. 62—75, and especially p. 67: *Unumque Eupatridarum nomen titulis solemne aut ab initio fuit aut tempore factum est; reliqua vero nomina Geomororum et Demiurgorum nil nisi vulgares atque usitatæ sunt rusticorum et opificum appellationes.* Dionys. Hal. ii. 8, recognises, in fact, only two orders, the Εὐπατρίδαι and the ἀγροῖκοι, as it were, Patricians and Plebeians. Illgen also refers to the passage in Hesychius: Ἀγροιῶται = ἀγροῖκοι, καὶ γένος Ἀθήνησιν, οἱ ἀντιδιεστέλλοντο πρὸς τοὺς Εὐπατρίδας. Ἦν δὲ τὸ τῶν γεωργῶν καὶ τρίτον τὸ τῶν δημιουργῶν: and Etymol. M. p. 395. 50: Εὐπατρίδαι ἐκαλοῦντο οἱ αὐτὸ τὸ ἄστυ οἰκοῦντες καὶ μετέχοντες βασιλικοῦ γένους, τὴν τῶν ἱερῶν ἐπιμέλειαν ποιούμενοι· γεωργοὶ δὲ οἱ τῆς ἄλλης χώρας οἰκήτορες· ἐπιγεωμόροι δὲ τὸ τεχνικὸν ἔθνος. Wachsmuth, indeed, i. 1. §. 233, on these very authorities, asserts that the Demiurgi were not natives, not even domiciliated in the country. See also Schömann, part V. who however identifies them with the Θῆτες, whilst Wachsmuth considers that the Geomori rather corresponded to these. See below, §. 101. n. 8 and 9.

5) Pollux. viii. 111.

6) See Boeckh. ad C. Inscr. p. 465.—The chief authority in favour of the view mentioned is Pollux, l. c., who, having first said, *ὅτε μέντοι τέσσαρες ἦσαν αἱ φυλαί, εἰς τρία μέρη ἑκάστη διῄρητο, καὶ τὸ μέρος τοῦτο ἐκαλεῖτο τριττὺς καὶ ἔθνος καὶ φρατρία*, adds at the end of the section, *τρία δὲ ἦν τὰ ἔθνη πάλαι, Εὐπατρίδαι, Γεωμόροι, Δημιουργοί.* In fact *ἔθνος* was a denomination common to every division of the people (estate). See Stallb. ad Plat. Remp. t. i. p. 78, and Wachsm. himself, Ant. i. 1. §. 232. The Scholiast given by Ruhnk. ad Plat. Axioch. p. 253, has probably best preserved the testimony of Aristotle: *Ἀριστοτέλης φησὶ, τοῦ ὅλου πλήθους διῃρημένου Ἀθήνῃσιν εἵς τε τοὺς γεωργοὺς καὶ τοὺς δημιουργοὺς, φυλὰς αὐτῶν εἶναι τέσσαρας, τῶν δὲ φυλῶν ἑκάστης μοίρας εἶναι τρεῖς, ἃς τριττύας τε καλοῦσι καὶ φρατρίας, ἑκάστης δὲ τούτων τριάκοντα εἶναι γένη, τὸ δὲ γένος ἐκ τριάκοντα ἕκαστον ἀνδρῶν συνιστάναι*, a citation which serves to throw some light on Mœris, §. 107.—Boeckh, ibid, p. 140, questions whether the term *τριττὺς* was older than the Clisthenic tribes.

7) So Wachsm. de tribuum quatuor Atticarum triplici partitione, (Kiliæ, 1825); comp. also his Antiq. i. 1. §. 230, sqq.—The same view had been taken by Salmasius, in his Misc. Defens. de variis obss. ad Jus Att. et Rom. (L. B. 1645), p. 112—115. The threefold division of the tribe rests on the authority of Aristot. ap. Harpocr. in v. *τριττύς*, p. 287: *τριττύς ἐστι τὸ τρίτον μέρος τῆς φυλῆς· αὕτη γὰρ διῄρηται εἰς τρία μέρη, τριττὺς καὶ ἔθνη καὶ φρατρίας.* Comp. Wachsm. Antiq. i. 1. §. 328, sq.

8) See Tittmann, §. 579, and especially Schömann, de Com. p. 360, sq., who, as well as Hüllmann, §. 135, wholly denies that there was any difference between *φρατρία*, *ἔθνος*, and *τριττύς*.

9) So Nic. Ignarra Comm. de phratriis primis Græcorum politicis societatibus (Neap. 1797), p. 19, and after him Buttmann, Mythol. ii. §. 317—323. But see Böckh, in the Hiedelb. Jahrb. 1818, §. 315.

10) C. Inscr. i. n. 463.

§. 99. Notice is moreover taken of the twelve phratriæ, as well as of the twelve communities above named, long subsequent to the time of the four tribes, and that not only in religious but also in political relations[1], for Aristotle certainly does not assert that Clisthenes did actually make new phratriæ[2]. The same remark holds good of their subdivisions, the *γένη* (clans), of which thirty[3], each again consisting of thirty houses[4], composed a phratria. Another division of the tribes, into twelve *τριττύες* and forty-eight Naucrariæ, cannot be referred to so early a period, since the latter, consisting of divisions of the citizens for the payment of contributions, and meeting other public burdens, clearly belong to a more advanced state of civil organisation[5]. The early division into clans, brother-

hood, and houses, clearly indicates the infancy of a community[6], and may be considered under two points of view, either as actually resulting from the extension of family ties, or as merely an organisation of society in imitation of and named after them. The latter view was generally adopted by the ancients themselves[7], although all the forms and institutions, as well as the names, of the phatriæ and clans bear every appearance of family distinctions[8]. Thus the law considered the phratores at large to be no less interested in revenging a murder than the nearest relations of the deceased[9]; not to mention that they participated in the same *sacra privata*, in reference to which they were sometimes called ὀργεῶνες.

1) See, besides the treatises of Ignara and Buttmann, Hüllmann's Anfänge, §. 125—137; Platner's Beit. §. 101—156; Tittmann, §. 268, sqq., especially §. 282; Wachsm. i. 1. §. 235—239, and ii. 1. §. 17.

2) Thus in particular Platner, §. 66—77; but see Tittmann, §. 271, and Wachsm. i. 1. §. 270.—The passage in Aristotle occurs Polit. vi. 2. 11. ἔτι δὲ καὶ τὰ τοιαῦτα κατασκευάσματα χρήσιμα πρὸς τὴν δημοκρατίαν τὴν τοιαύτην, οἷς Κλεισθένης τε Ἀθήνησιν ἐχρήσατο βουλόμενος αὐξῆσαι τὴν δημοκρατίαν, καὶ περὶ Κυρήνην οἱ τὸν δῆμον καθιστάντες· φυλαί τε γὰρ ἕτεραι ποιητέαι πλείους καὶ φρατρίαι, καὶ τὰ τῶν ἰδίων ἱερῶν συνακτέον εἰς ὀλιγὰ καὶ κοινά, κ. τ. λ.

3) See Pollux, iii. 52, and the lexicographers in v. γεννῆται, with the authorities quoted by Taylor ad Demosth. adv. Neær. t. v. p. 563, Schæferi; Buttmann, Mythol. ii. §. 309; Platner, §. 67. Another name for γένος is τριακάς. Poll. vii. 111: ἑκάστου δὲ ἔθνους γένη τριάκοντα ἐξ ἀνδρῶν τοσούτων, ἃ ἐκαλεῖτο τριακάδες: or are we to consider the τριακὰς to have been a subdivision of the γένος, with Boeckh, ad C. Inscr. i. p. 140?

4) Making a total of 10,800 citizens. Philochorus (ap. Schol. Pind. Olymp. ix. 68; conf. Siebel. p. 17; Meurs. Regg. Athen. i. 7) asserts, indeed, that there were, even in the time of Cecrops, as many as 20,000, which may be taken as the average number in the classical times. See Demosth. adv. Aristog. i. p. 785. 24, and more in Meurs. Lectt. Att. i. 1, and Bergl. ad Aristoph. Vesp. v. 729; see, at large, Ste.-Croix, in Mém. de l'Acad. des Inscr. t. xlviii. p. 147—175; Museum Criticum, or Cambridge Classical Researches, t. vi. (1816), p. 215—217; Boeckh, Publ. Œcon. i. p. 46—57; Letronne sur la population de l'Attique entre le commencement de la guerre du Peloponnèse et la bataille de Chéronée, in Mém. de l'Acad. des Inscr. t. vi. (1822), p. 165—220; Clinton's F. H. vol. ii. p. 387, sqq.; Illgen, l. c. p. 17; Wachsm. i. 2. §. 32.

5) Photii Lex. p. 288, ed. Porson: ναυκραρία μὲν ὁποῖόν τι ἡ συμμορία καὶ ὁ δῆμος· ναύκραρος δὲ ὁποῖόν τι ὁ δήμαρχος, Σόλωνος οὕτως ὀνομάσαντος (but before then, see Herod. v. 71).——φυλαὶ δὲ ἦσαν τέσσαρες καθάπερ πρότερον καὶ φυλοβασιλεῖς τέσσαρες· ἐκ δὲ τῆς φυλῆς ἑκάστης

ἦσαν νενεμημέναι τριττύες μὲν τρεῖς, ναυκραρίαι δὲ δώδεκα καθ' ἑκάστην. Vide plur. ap. Siebel. ad Clitod. p. 38; Neumann ad Aristot. Fragm. p. 89. Conf. Platner's Beitr. §. 157, sqq.; Boeckh, Publ. Œcon. i. p. 341, sq.; Tittmann, §. 269; Wachsm. i. 1. §. 239, coll. de tripl. partit. p. 17, especially on the etymology of the word, whether equivalent to *ναύκληρος*, and whether that meant "householder" (from *ναίειν*, see Hemst. ad Poll. x. 20), or "ship proprietors," as Boeckh, Publ. Œcon. ii. p. 327, asserts, following Poll. viii. 108: *ναυκραρία δὲ ἑκάστη δύο ἱππέας παρεῖχε καὶ ναῦν μίαν, ἀφ' ἧς ἴσως ὠνόμασται.*

6) See especially Dicæarchus (ap. Steph. Byz. in v. *πάτρα*) on *φυλή*, *φρατρία* or *φατρία*, and *πάτρα* or *πατρία* (in the sense of *γένος*, a meaning however not common in Attic) with the remarks of Salmas. in his Misc. Defens. p. 117, sqq.—Was *πατρία* ever equivalent to *φρατρία*? see Hüllmann, Anfänge, §. 128; Platner, Beitr. §. 101; Buttmann, Mythol. ii. §. 306, sqq., and on the origin of the terms (pater, frater, *φράτερες* i. q. *φράτορες*, Eustath. ad Iliad. B. p. 239; comp. Schæf. ad Demosth. t. v. p. 561), see especially the same work, §. 331; consult also Wachsm. i. 1. §. 312—315.

7) See Pollux, l. c.: ——*γένει μὲν οὐ προσήκοντες, ἐκ δὲ τῆς συνόδου οὕτω προσαγορευόμενοι*, and more in Salmas. l. c. p. 138—142; Tittmann, §. 572; Wachsm. i. 1. §. 236. "Consequently," to use the words of Platner, (Beiträge, §. 103,) "not genealogical but local tribes, set however on an equality with the former, for political reasons, or under some religious sanction;" comp. Hüllmann, Anf. d. gr. G. §. 125—135; Urgeschichte des Staats, §. 103, sqq.; Staatsr. des Alterthums, §. 13, sq.: but especially Niebuhr, R. H. i. p. 301, sqq.; Cic Top. c. 6. Meier's opposition to Niebuhr's view (de bonis damn. p. 104) is not to be overlooked.

8) *Ὁμογάλακτες* i. q. *γεννῆται*, see Pollux, l. c., and Siebel. ad Philoch. Fragm. p. 41; comp. Salmas. l. c. p. 107.—Isæus pro Euphileto (ap. Dionys. Hal. t. v. p. 622), c. 8: *καὶ ἐμοὶ καὶ τῷ ἀδελφῷ καὶ τοῖς φράτορσι καὶ πάσῃ τῇ ἡμετέρᾳ συγγενείᾳ.*—Niebuhr, R. H. i. p. 311, seems to assert that they had originally, like the Roman *gentiles*, the right of succeeding to the property of members who died intestate, and were bound to assist each other in difficulties.

9) Demosth. adv. Macart. p. 1069: *συνδιώκειν δὲ καὶ ἀνεψιῶν παῖδας, καὶ γαμβροὺς, καὶ ἀνεψιοὺς, καὶ πενθεροὺς, καὶ ἀνεψιαδοῦς καὶ φράτορας.* Comp. Heffter's Athen. Gerichtsverf. §. 146.

10) *Γεννῆται*, i. q. *ὀργεῶνες*, see the lexicographers in voce, and Platner, Beitr. §. 83; it was not however the fact, that all *ὀργεῶνες* were necessarily *γεννῆται*, any more than that all *φράτορες* were *θιασῶται*, as Martorelli asserts, de Theca Calam. ii. p. 591—606. Comp. at large Van Dale de Fratriis, Thiasis, Orgeonibus, etc. in Diss. Antiq. et Marm. illustr. ix. p. 728—804; and particularly on the law of Solon in Gaius, lib. iv. Digg. de Colleg. et Corpor. (xlvii. 22): *ἐὰν δὲ δῆμος ἢ φράτορες ἢ ἱερῶν ὀργίων* (forte *ὀργεῶνες*, vid. Siebel. ad Philoch. p. 126), *ἢ ναῦται ἢ σύσσιτοι ἢ ὁμόταφοι ἢ θιασῶται ἢ ἐπὶ λείαν οἰχόμενοι ἢ εἰς ἐμπορίαν, ὅ τι ἂν τούτων διαθῶνται πρὸς ἀλλήλους, κύριον εἶναι, ἐὰν μὴ ἀπαγορεύσῃ δημόσια γράμματα*, Des. Herald. Observ. c. 42, and Obss. ad J. A. et R. lib. ii. p. 81—96, against Salmas. l. c. p. 101, sqq. On *θίασος* see, besides Spanheim, ad Aristoph. Plut. v. 507, Taylor, ad Demosth. de Corona, t. ii. p. 337, Schæferi.

§. 100. As to the real political import of the phratriæ and clans (γένη), their object was the preservation of legitimacy and purity of descent among the citizens, whence a participation in their distinctive badges was necessary to constitute a valid claim on the part of any individual to the enjoyment of full civic rights, inasmuch as this depended in reality on the citizenship of his parents. Every newly-married woman, herself a citizen, was on this account enrolled in the phratria of her husband[1], and every infant[2] was registered in the phratria and clan (γένος) of its father; foreigners who had received the rights of citizenship in reward for public services[4] were still themselves excluded from the phratriæ, and could not hold the offices of either Archon or Priest, inasmuch as they could not participate in the worship paid to Ἀπόλλων πατρῷος and Ζεὺς Ἑρκεῖος[5]. Only their children, if born of women who were citizens, gained access to these privileges by being enrolled, it appears, in the phratria of their maternal grandfather[6]. The person who presented the child was obliged to attest its legitimacy on oath[7] in the presence of his assembled phratores, who might nullify by their votes any protestations that might be made to the contrary[8]. The offspring of a mother who was not a citizen were, in later times, admitted only by means of a dispensation, and under conditions which precluded all detriment to the kin of really pure descent in the enjoyment of their privileges[9]. The legal time was on the third and last day of the yearly festival of the Apaturia[10]; the due solemnisation of the act consisted in a victim to Jupiter Phratrius[11], and presents to the phratores[12]. Similar formalities were observed in cases of adoption[13], when the adopted person passed into the phratria of his adoptive father; the attainment of the age of puberty was celebrated by a repetition of these formalities[14].

1) *Γαμηλίαν ὑπὲρ γυναῖκος εἰσφέρειν.* Conf. Taylor ad Demosth. c. Eubul. Argum. t. v. p. 431; Schæferi, and Platner's Beitr. §. 153.

2) Daughters as well as sons, see Isæus de Pyrrhi her. c. 73—76.

3) *Εἰς τοὺς φράτορας (γεννήτας, ὀργεῶνας) εἰσάγειν.* Conf. Platner, §. 72. and 143—152; Tittmann, §. 279.—The register was kept by the *φρατρίαρχος* (Demosth. adv. Eubul. p. 1305. 22).

4) *Δημοποίητοι.* Conf. Demosth. adv. Neær. p. 1376. 15: *ὅσους γὰρ ἂν ὁ δῆμος ποιήσηται ὁ Ἀθηναίων πολίτας, ὁ νόμος ἀπαγορεύει διαρρήδην, μὴ ἐξεῖναι αὐτοῖς τῶν ἐννέα ἀρχόντων γενέσθαι μηδὲ ἱερωσύνης μηδεμιᾶς μετασχεῖν· τοῖς δ' ἐκ τούτων μετέδωκεν ἤδη ὁ δῆμος ἁπάντων, καὶ προσέθηκεν, ἐὰν ὦσιν ἐκ γυναικὸς ἀστῆς καὶ ἐγγυητῆς κατὰ τὸν νόμον.* Conf. p. 1380, and for further details see below, chap. vi. part i.

5) *Ἀπόλλωνος πατρῴου καὶ Διὸς Ἑρκείου γεννῆται,* Demosth. adv. Eubul. p. 1319. 27, with Taylor's note, l. c. p. 467; conf. Platner, §, 88, sqq.

6) On this subject in general, see Platner, §. 128—131, whom Tittmann, l. c. is wrong in contradicting. Compare Boeckh ad C. Inscr. i. p. 140.—Is Meier correct in saying, de bonis damn. p. 60: "*Communicantur autem cum eo, qui in civitatem recipitur, Jovis potissimum Hercei sacra.*"

7) Isæus de Ciron. hered. c. 19: *ὅ τε πατὴρ ἡμῶν, ἐπειδὴ ἐγενόμεθα, εἰς τοὺς φράτορας ἡμᾶς εἰσήγαγεν, ὀμόσας κατὰ τοὺς νόμους τοὺς κειμένους ἢ μὴν ἐξ ἀστῆς καὶ ἐγγυητῆς γυναῖκος εἰσάγειν· τῶν δὲ φρατόρων οὐδεὶς ἀντεῖπεν οὐδ' ἠμφισβήτησε μὴ οὐκ ἀληθῆ ταῦτ' εἶναι, πολλῶν ὄντων καὶ ἀκριβῶς τὰ τοιαῦτα σκοπουμένων.* Demosth. adv. Eubul. p. 1315, etc.

8) Demosth. adv. Macart. p. 1054: *καὶ αὐτὸς οὗτος καὶ οἱ φράτορες— οἱ ἄριστα εἰδότες περὶ τοῦ γένους, ὁρῶντες αὐτὸν μὲν τοῦτον οὐκ ἐθέλοντα κινδυνεύειν οὐδ' ἀπάγοντα τὸ ἱερεῖον ἀπὸ τοῦ βωμοῦ, εἰ μὴ προσηκόντως εἰσήγετο ὁ παῖς οὑτοσί, αὐτοὺς δ' ἀξιοῦντα ἐπιορκεῖν, λαβόντες τὴν ψῆφον, καιομένων τῶν ἱερείων, ἀπὸ τοῦ βωμοῦ φέροντες τοῦ Διὸς τοῦ Φρατρίου—ἐψηφίσαντο τὰ δίκαια, ὀρθῶς καὶ προσηκόντως τὸν παῖδα τουτονὶ εἰσάγεσθαι Εὐβουλίδῃ υἱὸν εἰς τὸν οἶκον τὸν Ἀγνίου.*

9) *Ἐπὶ ῥητοῖς,* conf. Isæus, de Philoctem. hered. c. 21—25. The case mentioned in Demosth. c. Bœot. de nomine, p. 995, sqq. is different. See also Platner, §. 142.

10) In the month Pyanepsion; the three days were severally called *Δόρπεια, Ἀναῤῥύσις, Κουρεῶτις.* Conf. Schol. Aristoph. Acharn. v. 146; Procl. ad Platon. Tim. i. p. 27, and a further account in Meurs. Græc. fer. p. 33—45; Corsin. Fast. Att. ii. p. 306; Hüllmann's Anfänge, §. 131; Creuz. Symbol. iii. p. 505—511; Meier de bonis damn. p. 62; Welcker, Tril. Prom. §. 289.—The word is derived from *ἀπάτη* by the Schol. Aristoph. Pac. 885, but much more probably from *ὁμοπατούρια,* conf. Müller's Dorians, i. 95, and in particular, Prolegg. §. 401; Wachsm. i. 1. §. 237.—The passage in Herod. i. 147, is also important: *Εἰσὶ δὲ πάντες Ἴωνες, ὅσοι ἀπ' Ἀθηνῶν γεγόνασι καὶ Ἀπατούρια ἄγουσι ὀρτήν.*

11) *Μεῖον,* whence *μειαγωγεῖν.* See Poll. iii. 52; Schol. Aristoph. Ran. v. 797, and more in Meurs. Lectt. Att. iii. 1.

12) *Οἰνιστήρια,* Pollux, vi. 22. *Μερὶς τῶν κρεῶν,* Demosth. adv. Mac. p. 1078. 22; conf. Isæus, Astyphil. c. 33.

13) Isæus de Apollod. her. c. 15: *καὶ ἐπειδὴ Θαργήλια ἦν* (Platner,

§. 150), ἤγαγέ με ἐπὶ τοὺς βωμοὺς εἰς τοὺς γεννήτας τε καὶ φράτορας. Ἔστι δ' αὐτοῖς νόμος ὁ αὐτὸς, ἐάν τε τινὰ φύσει γεγονότα εἰσάγῃ τις ἐάν τε ποιητὸν, ἐπιτιθέναι πίστιν κατὰ τῶν ἱερῶν, ἢ μὴν ἐξ ἀστῆς εἰσάγειν καὶ γεγονότα ὀρθῶς — ποιήσαντος δὲ τοῦ εἰσάγοντος ταῦτα μηδὲν ἧττον διαψηφίζεσθαι καὶ τοὺς ἄλλους· κἂν δόξῃ, τότ' ἐς τὸ κοινὸν γραμματεῖον ἐγγράφειν, πρότερον δὲ μή. Also in the case of adoption by will; ibid. de Aristarch. her. c. 8; whence too phratores were called to be witnesses of a will, de Astyphil. her. c. 8. Conf. Platner, §. 133—141, and on the legal results of adoption, see below, chap. vi. part i.

14) Pollux, viii. 107; conf. Ignarra de Phratr. p. 49; Platner, §. 147; Meier de bon. damn. p. 235; and in particular, Böckh. Ind. Lectt. Berol. æst. 1819, p. 4: "*qua professione primam esse pubertatem declaratam tonsasque puerorum comas probabile est.*" Hence the offering was called κουρεῖον, see Luzac, Lectt. Att. p. 58.

§. 101. Similar formalities attended the admission into a clan (γένος); this however was seldom sought on merely private grounds, but only, it is probable, when required for the maintenance of certain privileges or customs[1], as in the case of the Eupatridæ[2], whose privileges, after the time of Theseus, give them all the appearance of an aristocracy. They were the expounders of the law both in religious and civil cases; they filled all the offices of the priesthood and the state[3]; there are proofs[4] that the appointment of the four φυλοβασιλεῖς, who were to assist the king in his courts in the Prytaneum[5], rested with them; and when we find them reckoned as all of the royal clan[6], we must rather understand that the kings were always of their clans. It is not however to be supposed that the other two estates were excluded from the common rights of citizens, and formed only a servile class destitute of civil rights[7]. Even the poorest of them, the πελάται or θῆτες, enjoyed personal liberty, but hired their services to the rich[8], or farmed their lands for one sixth of the produce[9]. Although, however, the progressive impoverishment of the common people reduced the majority of them to this condition, we are not to conclude that the peasantry was entirely thus composed; and there is nothing to prevent our tracing

the energies of the body politic in Attica, as well as in Rome, to a free middle class in the state.

1) As in the case of the Κήρυκες, Andoc. de Myster. §. 127. See also that of the Brytiadæ, Demosth. adv. Neær. p. 1365, et plura ap. Platner, §. 72.

2) This is probably the purport of Philoch. ap. Suid. in vv. γεννῆται and ὁμογάλακτες (p. 41, Siebel.): οἱ ἐκ τοῦ αὐτοῦ καὶ πρώτου τῶν τριάκοντα γενῶν, forming a kind of "Gentiles," from which Platner, §. 67, sqq., 80, sqq., and Wachsm. i. 1. §. 238, coll. de tripl. part. p. 15, make too many exceptions, particularly the latter, even as regards the times of the democracy; Heffter rightly opposes them, in his Athen. Gerichtsverf. §. 20.

3) Plut. Thes. c. 24; see above.

4) Pollux, viii. 111. 120; compare Meier and Schömann, att. Proc. p. 116; Schubert de Ædil. p. 38—40.

5) Conf. Hüllmann, Anfänge der Gr. G. §. 252—256; Platner's Proc. u. Klagen, i. §. 14; Wachsmuth, i. 1. §. 245.—On the Prytanes and Prytanea in general, see above, §. 56, n. 11; and §. 74, n. 1; in particular Plut. Vit. Solon. c. 19: ὅσοι—ἐκ Πρυτανείου καταδικασθέντες ὑπὸ τῶν βασιλέων—ἔφυγον, which Matthiæ, de jud. Ath. (in Miscell. Philoll. t. i. part 2), pp. 155—158, has misunderstood.

6) Etymol. M. p. 395. 50: εὐπατρίδαι ἐκαλοῦντο οἱ αὐτὸ τὸ ἄστυ οἰκοῦντες καὶ μετέχοντες βασιλικοῦ γένους, τὴν τῶν ἱερῶν ἐπιμέλειαν ποιούμενοι.

7) Τελέοντες (see above, §. 94. n. 6; and §. 96. n. 1), or Θέται, see Wachsm. i. 1. §. 235, and in particular, Illgen. de Tribb. Attic. pp. 38—44; on the other hand, Tittmann, §. 581.

8) Or even only for their keep (ἐπισίτιοι, Plat. Republ. iv. 1. p. 420. A.) Conf. Casaub. ad Athen. xii. p. 738; Herald. Obss. ad. J. Att. et Rom. p. 256; Valcken. ad Ammon. ii. 4. p. 98; Fischer ad Plat. Euthyphr. c. 4. p. 17; Ruhnk. ad Tim. Lex. Platon. p. 211, sq.; Wachsm. i. 1. §. 322; Illgen. p. 42, who is wrong in thinking this was a later meaning of the word.

9) Hence the names ἑκτημόριοι and ἐπίμορτοι (ap. Hesych.)—But it is a question whether they paid one-sixth or received it; the chief authority for the first idea is found in Plut. Vit. Solon. c. 13: ἅπας μὲν γὰρ ὁ δῆμος ἦν ὑπόχρεως τῶν πλουσίων· ἢ γὰρ ἐγεώργουν ἐκείνοις ἕκτα τῶν γινομένων τελοῦντες, ἑκτημόριοι προσαγορευόμενοι καὶ θῆτες· ἢ χρέα λαμβάνοντες ἐπὶ τοῖς σώμασιν ἀγώγιμοι τοῖς δανείζουσιν ἦσαν, κ. τ. λ. Schoemann (de Com. p. 362) pronounces Plut. to be wrong. Comp. also Ruhnk. ad Schol. Platon. p. 256.

§. 102. As to the transition of the Athenian monarchy into a democracy, tradition informs us of encroachments on the kingly power as early as the reign of Theseus. Menestheus, the son of the Peteos whom Homer makes the leader of the Athenian forces before

Troy[1], is represented to have dethroned Theseus by aid of the Tyndaridæ[2]. Theseus is stated to have shortly afterwards met his death at the court of Lycomedes, king of Scyros[3]; but his son Demophon eventually regained the crown[4], and was succeeded by Oxyntas; Oxyntas by Aphidas, and the latter by his brother Thymœtas, the last of the Theseidæ. About that time occurred the great migrations by which the population of Bœotia, as well as of the Peloponnesus was changed; and it so happened that Melanthus, a descendant of Nestor, in his flight from Pylos reached Attica at the very moment when the inhabitants were engaged in defending their frontiers against the intruders from Bœotia[5]. It is said, that having slain the Bœotian king Xanthus, whom Thymœtas had declined to meet in single combat, the crown was transferred to him[6], and descended to his son Codrus; an account we have the less reason to doubt, from the circumstance that the admission of fugitive noble families to the rights of citizens is fully authenticated by other instances. The history of Rome, between which and the Athenian at this period many points of resemblance may be perceived, presents us with an exact parallel in the case of the Claudii[8]. A dispute which arose between the two sons of Codrus concerning the right of succession[9], appears to have furnished the Eupatridæ with an opportunity of effecting the final overthrow of the kingly power. Neleus, irritated at the preference given to his brother, headed the Ionian migrations to Asia Minor; but Medon and his descendants held the reins of government only as responsible officers of the aristocracy, the Eupatridæ[10].

1) Plut. Thes. c. 31: *ἐν δὲ τῷ χρόνῳ τούτῳ* Μενεσθεὺς *ὁ Πετεὼ, τοῦ Ὀρνέως, τοῦ Ἐρεχθέως, πρῶτος ὡς φασιν ἀνθρώπων ἐπιθέμενος τῷ δημαγωγεῖν* (conf. Spengel's Artt. Scriptt. p. 8) *καὶ πρὸς χάριν ὄχλῳ διαλέγεσθαι, τούς τε δυνατοὺς συνίστη, κ. τ. λ.* Vid. plura ap. Meurs. Thes. c. 29.

2) Plut. c. 32; Ælian. Var. Hist. iv. 5. Compare Muller's Dorians, i. p. 447.—Ἄνακες i. q. τριτοπάτορες? Compare Creuz. ad Cic. de N. Deor. iii. 21. p. 586, and Symbol. ii. §. 336, sqq., with the authorities quoted by Siebel. ad Philoch. p. 11, sq., and Lobeck's Aglaoph. i. p. 754—766.

3) Pausan. i. 17. 6.

4) Meurs. de Regg. Athen. iii. c. 5, sqq.—According to Strabo, vi. 401. A., Menestheus founded Scylletium in Magna Græcia.

5) Near Œnoe (Müller's Dorians, i. p. 267, sqq.) and Panactum, Schol. Plat. Ruhnk. p. 49.—Was it then that Eleutheræ joined Attica (Paus. i. 38. 8)? See Böckh in Abhh. d. Berl. Acad. v. 1816, §. 120, sq.

6) According to Pausan. ix. 5. 8, it was Andropompus father of Melampus; according to Aristot. Polit. v. 8. 5, Codrus first obtained it; but see Pausan. ii. 18. 7; Strab. ix. p. 602. A.; Conon. Narr. 39, and the authorities cited above, §. 100. n. 10, respecting the Apaturia. On the whole subject see Herod. v. 65, and more in Meurs. lib. l. c. 10, and Larcher, Hérodote, t. vii. p. 294, sqq.

7) Thucyd. i. 2; conf. Aristid. Panath. p. 173, t. i. Dind., and the instances adduced by Platner, Beitr. §. 22.—On the Gephyræi, see §. 15. n. 20.

8) Liv. ii. 16.

9) See Lycurg. adv. Leocr. c. 20, and more in Meurs. lib. l. c. 11—15; Ruhnk. ad Vell. Paterc. i. 2.—Justin. ii. 7: *Post Codrum nemo Athenis regnavit; quod memoriæ nominis ejus tributum est.* Hence some would explain the expression Ζεὺς βασιλεύς, see the Schol. Aristoph. Nubb. v. 2.

10) See Pausan. vii. 2. 1; and comp. above, §. 56. n. 6; §. 77. n. 2, sqq.—On the chronology of Medon and his successors see Larcher, vii. p. 300, sqq., and Henr. Leon. Schurzfleisch, epistola, qua inter se conferuntur rationes Eusebii et marmoris Arundeliani una cum explicatione gravissimæ quæstionis, utrum chronologia regum et archontum Athon. Eusebiana an Arundeliana sit præferenda? (Wittenb. 1705.)

§. 103. The name of king was changed to that of archon[1], but the royal functions and dignity seem to have remained undiminished, and to have been held for life[2]; the period of office was first shortened to ten years, B. C. 752[3]: in B. C. 714, the exclusive right of succession to it, enjoyed by the Medontides, was abolished, and access allowed to all the Eupatridæ[4]; finally, B. C. 684[5], the duties of the office were divided among nine annual archons[6]. The aristocracy was thus fully established; Draco's enactments[7], B. C. 624[8], made no change in the constitution[9], unless it were that the substitution of definite penalties for the previously arbitrary sentence of the archons[10] gave

rise[11] to the court of appeal of the Ephetæ[12]; the scanty and contradictory information we possess respecting the insurrection of Cylon[13] shows the impossibility of ascertaining the manner in which the ruling clans (*γένη*) at that time exercised their privileges. That insurrection[14] however, was, without doubt, only a consequence of the sanguinary severity of those enactments[15]. It would seem that the Eupatridæ, finding themselves unable any longer to withstand the general clamour for a written code of laws, made their very compliance an opportunity for sanctioning measures of the most rigorous description, in the hope of being still able to check the growth of democracy[16]. The event, however, proved the reverse of what they had hoped, and, though they succeeded in overpowering the insurrection Cylon raised, the perfidy with which they acted on the occasion precipitated their fall. Laden with the curse of sacrilege[17] the Alcmæonidæ were obliged to comply with Solon's proposal that they should leave the city; and Epimenides, who was invited for the purpose of purifying it, prepared the way for Solon's legislation by many wholesome enactments[18].

1) See, on this subject in general, Meursius de Archontibus Atheniensium, (Lugd. B. 1622); and Bernard de Archontibus, p. 22, sqq.

2) Hence they are sometimes still spoken of as *βασιλεῖς*. Pausan. i. 3. 2: *εἰ δέ μοι γενεαλογεῖν ἤρεσκε, καὶ τοὺς ἀπὸ Μελάνθου βασιλεύσαντας ἐς Κλείδικον τὸν Αἰσιμίδου ἂν ἀπηριθμησάμην.* Conf. Periz. ad Ælian. Var. Hist. v. 13; Tittmann, §. 70. Particularly in respect to their priestly functions, (comp. above, §. 56. n. 10); on which, in particular, see also Demosth. adv. Nær. p. 1370.

3) Ol. vii. 1; conf. Dionys. Hal. i. 71.

4) For the occasion tradition assigns, see Suidas and the Paræmiographi, in vv. *Ἱππομένης*, and *παρ' ἵππον καὶ κόρην*: conf. Meurs. l. c. i. 6, and the commentators on Æschin. adv. Timarch. p. 175, Rsk.

5) According to Larcher, sur l'archontat de Créon, in Mém. de l'Acad. des Inscr. t. xlvi. p. 51, sqq.—According to Pausan. iv. 15. 1, coll. cc. 5, 16, some years earlier; comp. Corsini Fast. Att. i. pp. 6—11.

6) *Ἄρχων, βασιλεύς, πολέμαρχος*, and six *θεσμοθέται*. See a further account below, chap. vi. part 3; and comp. Hüllmann's Anfänge der gr.

Gesch. §. 267, sqq. Is he right in considering the Thesmothetæ to have been added to the others at a subsequent period?

7) Θεσμοὶ, vid. Ælian. Var. Hist. viii. 10, and Menage ad Diogen. Laert. i. 53.

8) Vid. Bentleii Opuscc. p. 339, and Meurs. Solon. c. 13; Dan. Frid. Jani de Dracone legislatore Athen., (Lips. 1707); Gundlingiana (Halle, 1727), xxxix. p. 326—367; Wachsm. ii. 1. §. 239, sqq.

9) Aristot. Polit. ii. 9. 9: Δράκοντος δὲ νόμοι μὲν εἰσι, πολιτείᾳ δὲ ὑπαρχούσῃ τοὺς νόμους ἔθηκεν (vid. Plat. de Legg. iv. p. 714. C)· ἴδιον δ' ἐν τοῖς νόμοις οὐδὲν ἐστιν, ὅ τι καὶ μνείας ἄξιον, πλὴν ἡ χαλεπότης διὰ τὸ τῆς ζημίας μέγεθος.

10) Vid. Bekker. Anecdd. p. 449. 23, in v.: ἄρχοντες οἱ ἐννέα: κύριοι δὲ ἦσαν ὥστε τὰς δικὰς αὐτοτελεῖς (i. e. ἀφ' ὧν μὴ ἔστιν ἐφιέναι, Hesych.) ποιεῖσθαι: see a further account in Titmann, §. 236.

11) Pollux, viii. 125: δοκοῦσι δ' ὠνομάσθαι, ὅτι πρότερον τοῦ βασιλέως τοὺς ἐπ' ἀκουσίῳ φόνῳ κρινομένους ἐξετάζοντος, ὁ Δράκων παρέδωκε τοῖς ἐφέταις, τὴν κρίσιν ἐφέσιμον ἀπὸ τοῦ βασιλέως ποιούμενος. Comp. my Diss. de jure magg. p. 62, sqq. Ἐφέτης, i. q. πρὸς ὃν ἐφίεται, as *dictator, quia dicitur* (Cic. de Rep. i. 40); *calator, quia semper vocari potest* (Festus)—Platner, (Process und Klagen, i. §. 27), and Müller, (Prolegg. §. 424), seem to me wrong in doubting that the establishment of the Ephetæ was due to Draco.

12) See at large, J. T. Krebsius (præs Fr. Menzio) de Ephetis Atheniensium judicibus diss. (Lips. 1740.) H. F. Kayemann, de origine Ephetarum et eorum judiciis, (Lovan. 1823.)—Their number, according to Pollux, was 51; according to Suidas, 80; conf. Wachsm. i. 1. §. 244, ἀριστίνδην αἱρεθέντες, ὑπὲρ ν' ἔτη γεγονότες καὶ ἄριστα βεβιωκέναι ὑπόληψιν ἔχοντες.

13) Vid. Tittmann, §. 351; Meier und Schömann, att. Proc. §. 12—22; also Wachsm. i. 1. §. 246.—Τριακοσίων ἀριστίνδην δικαζόντων, is Plutarch's expression (V. Sol. 12); on the other hand, the Scholiast on Aristoph. Eq. 443, brings the partisans of Cylon before the Areopagus; Herod. v. 71, calls the court οἱ Πρυτάνεις τῶν Ναυκράρων, οἳ περ ἔνεμον τότε τὰς Ἀθήνας, whilst, on the other hand, Thucyd. says, i. 126: τότε δὲ τὰ πολλὰ τῶν πολιτικῶν οἱ ἐννέα ἄρχοντες ἔπρασσον; whence Harpocratio and others have confounded these several magistracies. Comp. Bernard, l. c. p. 36.

14) B. C. 612; conf. Meier de bonis damn. p. 4; Welcker, Prolegg. ad Theogn. p. x.; Siebel. ad Pausan. i. 28. 1.

15) Plut. V. Solon. c. 17; Gell. N. Att. xi. 18, etc. Comp. Plato's maxim, de Legg. xii. 941. D.

16) See my Diss. de jure magg. p. 61. Draco was himself an archon and of the Eupatridæ.

17) Ἐναγεῖς καὶ ἀλιτήριοι, comp. the Commentt. on Thucyd. i. 126, and Pausan. vii. 25. 1.—On the Alcmæonidæ in general, see Boeckh. ad Pind. Pyth. vii. p. 300, sqq.

18) Plut. V. Solon. c. 12; Diogen. L. i. 110, and Chr. God. Grabener de Epimenide Athenarum lustratore observationes antiquariæ, Misn. (1742), C. F. Heinrich's Epimenides aus Kreta (Lips. 1801,) §. 77—118; also Ast. ad Plat. de Legg. p. 69.

§. 104. Under these circumstances most of Draco's laws soon fell into disuse[1]; if Solon retained those relating to homicide[2], together with the court of the Ephetæ, so far as it took cognizance of them[3], it clearly was because Draco had, in such cases, only asserted principles sanctioned by antiquity, religion, and custom[4], and which continued unimpeached and unaltered amid all subsequent revolutions. Thus the right and duty of pursuing the manslayer was limited to the next of kin[5], and lapsed, whenever the avenger renounced the execution of vengeance, or the deceased had himself forgiven the homicide before expiring[6]; if however the perpetrator of the deed could not be taken, the pursuer was allowed to seize some of his kinsmen in his stead as hostages[7] (*ἀνδρολημψία*). Death was the penalty of murder[8], and the prosecutor was bound to attend the execution[9]. If, however, the Ephetæ, in their court of the Palladium[10], decided that there had been no malice prepense, the homicide was still obliged to quit the country for a season, until he obtained leave of the relations of the deceased to return[11]; if, during this interval, he committed a second offence, a point on the[12] coast was fixed, at which, standing in a boat, which was not allowed to touch the shore, he was examined by the Ephetæ. Draco had awarded death as the punishment of adultery[13], and also of homicide even in self-defence[14]. The Ephetæ judged all such cases at the Delphinium[15]; they held a fourth court to take cognizance of all cases of death occasioned by inanimate objects, which were, on such occasions, sent out of the country with legal formalities[16].

1) Gell. N. Att. xi. 18: *Ejus igitur leges, quia videbantur impendio acerbiores, non decreto jussoque, sed tacito illiteratoque Atheniensium consensu obliteratæ sunt.*

2) *Τὰ φονικὰ*, Plut. V. Solon. c. 17; Ælian. V. Hist. viii. 10. Conf. Meurs. Them. Att. i. 15—20; S. Petiti legg. Att. vii. 1. p. 605—630, ed.

Wessel.; Heffter's Athen. Gerichtsverfassungen, §. 133—146; Wachsm. ii. 1. §. 268, sq.

3) On the Ephetæ after the time of Solon see Matthiæ de judiciis Athen. i. pp. 149—158; Hüllmann's Staatsr. der Alterth. §. 388—391; Tittmann, §. 222—224.

4) Antipho de cæde Herod. 14; de Choreuta, c. 2: *ὑπάρχει μὲν γὰρ αὐτοῖς ἀρχαιοτάτοις εἶναι ἐν τῇ γῇ ταύτῃ, ἔπειτα τοὺς αὐτοὺς ἀεὶ περὶ τῶν αὐτῶν, κ. τ. λ.* On the primitive law of homicide, see, in particular, Wachsm. ii. 1. §. 60, and Plato de Legg. ix. pp. 865—874: coll. Phæd. p. 114. B.—Hence particular interpreters of such laws, *ἐξηγηταὶ*, see Platon. Euthyphr. p. 4. with Stallbaum's note, p. 27, after Ruhnk. ad Tim. p. 109; also Meier de bonis, p. vii. and Heffter, §. 109, sq.

5) See Demosth. adv. Everg. et Mnesib. p. 1160. 25. In the case of freemen, the relatives, (*μέχρι ἀνεψιαδῶν*? Dem. adv. Macart. p. 1069), in the case of slaves, the owner. Pollux, viii. 118.

6) Demosth. adv. Pantæn. p. 983. 18; conf. Nausin. et Xenopith. p. 991. 2: *καὶ τοῦθ' οὕτω τὸ δίκαιον ἐν πᾶσιν ἰσχύει, ὥστε, ἂν ἑλών τις ἀκουσίου φόνου, καὶ σαφῶς ἐπιδείξας μὴ καθαρὸν, μετὰ ταῦτ' αἰδέσηται καὶ ἀφῇ, οὐκέτ' ἐκβαλεῖν κύριος τὸν αὐτόν ἐστιν· οὐδὲ γὰρ, ἂν ὁ παθὼν αὐτὸς ἀφῇ τοῦ φόνου, πρὶν τελευτῆσαι, τὸν δράσαντα, οὐδένι τῶν λοιπῶν συγγενῶν ἔξεστιν ἐπεξιέναι.* Reiske reads *ἑκουσίου*, comp. Hudtwalcker on the *Διαιτηταὶ*, §. 166, sqq; Meier de bonis damn. p. 22.

7) Demosth. adv. Aristocr. p. 647. 24: *ἐάν τις βιαίῳ θανάτῳ ἀποθάνῃ, ὑπὲρ τούτου τοῖς προσήκουσιν εἶναι τὰς ἀνδροληψίας, ἕως ἂν ἡ δίκας τοῦ φόνου ὑπόσχωσιν ἢ τοὺς ἀποκτείναντας ἐκδῶσι· τὴν δὲ ἀνδροληψίαν εἶναι μέχρι τριῶν, πλέον δὲ μή.* Compare Hüllmann's Staatsr. der Alterth. §. 78; Meier and Schömann, attische Process, p. 278—280; Wachsm. ii. 1. §. 285, 286.

8) Demosth. adv. Mid. p. 528. 5: *οἱ φονικοὶ (νόμοι) τοὺς μὲν ἐκ προνοίας ἀποκτιννύντας θανάτῳ καὶ ἀειφυγίᾳ καὶ δημεύσει τῶν ὄντων ζημιοῦσι*, conf. Meier de bonis, p. 20.—Bekk. Anecdd. p. 194: *ἐὰν μέτοικόν τις ἀποκτείνῃ, φυγῆς μόνον κατεδικάζετο, ἐὰν μέντοι ἀστὸν, θάνατος ἡ ζημία.*

9) Demosth. adv. Aristocr. p. 642, extr.:—*τῷ δὲ ἐπιδεῖν διδόντα δίκην ἔξεστιν, ἣν ἔταξεν ὁ νόμος, τὸν ἁλόντα.*

10) On this point see Siebel. ad Phanod. Fragm. p. 11; Creuzer's Symbol. ii. p. 690, sqq.; and for a more particular account of the courts of the Ephetæ, Demosth. adv. Aristocr. p. 643—646; coll. Aristot. Pol. iv. 13. 2; Pausan. i. 28. 9—12; Ælian. Var. Hist. v. 15; Poll. viii. 118—120; conf. Sluiteri lectt. Andoc. pp. 131, sq.

11) "Εως *ἂν αἰδέσηταί τινα (τις*? see Schäfer ad Dem. t. iv. p. 65) *τῶν ἐν γένει τοῦ πεπονθότος*: conf. Demosth. adv. Macart. p. 1069. 5; and more in Matthiæ, l. c. pp. 169—171; Müller's Dorians, i. p. 351—354.

12) Ἐν Φρεαττοῖ or Φρεαττύϊ; was this name derived from *φρέαρ, puteal*? conf. Coel. Rhodig. Lectt. antiqu. x. 17.

13) See, in particular, Lysias de cæde Eratosthenis and Taylor, Lectt. Lysiacæ, c. 11, pp. 300—308, edit. Reisk. t. ii.; conf. Herald. Obss. ad jus A. et R. p. 357, sqq.; and on the punishment of the *μοιχὸς* in general, see Meier and Schömann's att. Process und Klagen, §. 327—331.

14) Compare Antiph. Tetral. iii., and the law quoted by Demosth. adv. Aristocr. p. 637: *ἐάν τις ἀποκτείνῃ ἐν ἄθλοις ἄκων, ἢ ἐν ὁδῷ καθελών, ἢ ἐν πολέμῳ ἀγνοήσας, ἢ ἐπὶ δάμαρτι, ἢ ἐπὶ μητρὶ, ἢ ἐπ' ἀδελφῇ, ἢ ἐπὶ θυγατρὶ, ἢ ἐπὶ παλλακῇ, ἣν ἂν ἐπ' ἐλευθέροις παισὶν ἔχῃ, τούτων ἕνεκα μὴ φεύγειν κτείναντα.*—Apollod. ii. 4. 9: *Ῥαδαμανθύος νόμος, ὃς ἂν ἀμύνηται τὸν χειρῶν ἀδίκων ἀρξαντα, ἀθῷον εἶναι.*

15) Conf. Jac. H. Born, Diss. epistol. de Delphinio Atheniensium tribunali (Lips. 1735), and Taylor, l. l. c. i. p. 223, sq.—On the myths connected with it, consult Müller's Dorians, i. p. 272.

16) *Ἐὰν λίθος ἢ ξύλον ἢ σίδηρος ἤ τι τοιοῦτον ἐμπεσὸν πατάξῃ, καὶ τὸν μὲν βαλόντα ἀγνοῇ τις, αὐτὸ δὲ εἰδῇ καὶ ἔχῃ τὸ τὸν φόνον εἰργασμένον,* Demosth. adv. Aristocr. p. 645. 16; conf. Æschin. adv. Ctesiph. c. 83, and Pausan. vi. 11. 2.

§. 105. It is not known with certainty that the Ephetæ held more than these four courts; whenever five[1] are mentioned, we must probably understand the Areopagus[2] to be included[3]. The cognizance taken by that court of all cases of maiming, arson, and poisoning[4], was certainly of the remotest antiquity[5], although the ancients themselves were not agreed whether the Ephetæ were entitled to sit there before Solon's time, or whether the Areopagites did not even then (as they afterwards certainly did) constitute a distinct body[6]. However that may have been, the proceedings in the courts of the Ephetæ and in the Areopagus seem to have been much the same at all times, although we possess particulars only concerning the Areopagus[7]. In that court, as soon as the suit was commenced before the king[8], the defendant was interdicted all places of public resort[9]; and three several inquiries took place in the course of three successive months[10]; the court sat in open air[11]; the prosecutors and witnesses asserted the truth of their statements by the most solemn oaths, made over victims, and with other ceremonies[12]. Each party was allowed to speak twice[13]; after the accuser had made his first address, the defendant might still avoid punishment by self-exile[14]; the sentence was regulated, not so much by

the legal proofs of the case, as by the moral conviction of the judges[15]. No mention occurs of appeal from either the Areopagus or the Ephetæ[16]; the latter however appear to have been subsequently excluded from the Palladium and Delphinium, to make room for popular courts[17]; at all events their office ultimately sank to a mere form[18].

1) Poll. viii. 128: *ἐδίκαζον δὲ τοῖς ἐφ' αἵματι διωκομένοις ἐν τοῖς πέντε δικαστηρίοις. Σόλων δ' αὐτοῖς προσκατέστησε τὴν ἐξ 'Αρείου πάγου βουλήν.*

2) For the spot where its sittings were held, see Herod. viii. 52; Paus. i. 28. 5.

3) So Krebs, l. c. p. 12; Müller's Dorians, i. p. 352; Meier and Schöm. Att. Process, §. 17; Platner, Process, i. §. 19, sqq.—Wachsmuth, i. 1. §. 243, suggests that it was in the harbour *Zέα*, (Bekk. Anecdd. p. 311. 17: *ἐνταῦθα κρίνεται ὁ ἐπ' ἀκουσίῳ μὲν φόνῳ φεύγων, αἰτίαν δὲ ἔχων ἐφ' ἑκουσίῳ φόνῳ*), which however was certainly the same with the one just mentioned as meeting *ἐν Φρεαττοῖ*.

4) See the law (Solon's?) ap. Demosth. adv. Aristocr. p. 627. 20: *δικάζειν δὲ τὴν βουλὴν τὴν ἐν 'Αρείῳ πάγῳ φόνου καὶ τραύματος ἐκ προνοίας καὶ πυρκαϊᾶς καὶ φαρμάκων, ἐάν τις ἀποκτείνῃ δούς.* Conf. Herald. l. c. p. 341, sqq.; Taylor, lectt. Lys. p. 312. Did it also take cognizance of *βούλευσις*? See Harpocr. in v. and Forchhammer de Areopago, p. 29, sqq., where however no notice has been taken of Demosth. adv. Conon. p. 1264. 24.

5) Compare Meursii Areopagus (L. B. 1624), and the Diss. of A. Dinner (Norimb. 1622), of H. Staphorst (præs. J. M. Dilherr (Jen. 1640); (Diss. Acad. Norimb. 1652, t. ii. p. 284); of Schedius (Wittenb. 1677, and in Theod. Hasæi and Conr. Ikenii Thes. nov. Theol.-Philol. t. ii., and by Hoven, Hafn. 1708); and of J. C. Stellwag, de Areopago ex ultima antiquitate eruto (Jenæ, 1827); also Humphr. Prideaux ad Marm. Oxon. pp. 108—115, and de Canaye, Récherches sur l'Aréopage, in Mém. de l'Acad. des Inscr. t. vii. p. 174, sqq.

6) Vid. Plut. Solon. c. 19: *οἱ μὲν οὖν πλεῖστοι τὴν ἐξ 'Αρείου πάγου βουλὴν, ὥσπερ εἴρηται, Σόλωνα συστήσασθαί φασι, καὶ μαρτυρεῖν αὐτοῖς μάλιστα δοκεῖ τὸ μηδαμοῦ τὸν Δράκοντα λέγειν μηδ' ὀνομάζειν 'Αρειοπαγίτας, ἀλλὰ τοῖς 'Εφέταις ἀεὶ διαλέγεσθαι περὶ τῶν φονικῶν,* with which comp. Petit, ad legg. Att. iii. 2. p. 327, ed Wessel.—Matthiæ (de judiciis Ath. pp. 142—148) strenuously asserts the independent existence of the Areopagus before Solon's time; but compare Meier, Rhein. Mus. ii. §. 267.

7) On this subject in general, see Matthiæ, pp. 159—168; Wachsm. ii. 1. §. 339, 340. The chief authorities are the two speeches of Antipho, "De cæde Herodis" and "De Choreuta."

8) *'Απογράφεσθαι καὶ τὰς κλήσεις καλεῖσθαι ὅσας ἔδει,* Antiph. de Chor. c. 38.

9) *Προῤῥήσεις, προαγορεύειν εἴργεσθαι τῶν νομίμων,* conf. Ast. ad Plat. de Legg. p. 455; Meurs. Them. Att. i. 15.

10) *Προδικασίαι*, Antiph. de Chor. c. 42 ; Luzac Exercitt. academ. ad loca veterum de vindicta divina (Lugd. Bat. 1792), p. 172.

11) Antiph. de cæde Herod. c. 11. Was it by night? See Wachsm. ii. 1. §. 191.—In later times however we find the Areopagus meeting also *ἐν βασιλείῳ στοᾷ*, Demosth. adv. Aristog. p. 776. 25.

12) Demosth. adv. Aristocr. p. 642 ; conf. adv. Everg. et Mnesib. p. 1160. 25 ; adv. Neær. p. 1348. 15 ; Æschin. de Falsa Legat. c. 24.

13) Compare Antipho's Tetralogy.—On the *λίθοι ἀργυροῦ, ὕβρεως* and *ἀναιδείας*, see Barnes. ad. Eurip. Iphig. Taur. v. 962.

14) Demosth. adv. Aristocr. p. 643. 5 : *δρασκάζειν*, conf. Taylor, Lectt. Lys. p. 318.

15) Æschin. adv. Timarch. c. 37 : *οὐ γὰρ ἐκ τοῦ λόγου μόνον οὐδὲ ἐκ τῶν μαρτυριῶν, ἀλλ' ἐξ ὧν αὐτοὶ ἐξητάκασι καὶ συνίσασι, τὴν ψῆφον φέρουσι.* On the justice, for which it was distinguished, see Demosth. l. c. : *ἐνταυθοῖ μόνον οὐδεὶς πώποτε οὔτε φεύγων ἀλοὺς, οὔτε διώκων ἡττηθεὶς ἐξήλεγξεν, ὡς ἀδίκως ἐδικάσθη τὰ κριθέντα.* Lycurg. adv. Leocr. c. 4 :—*ὥστε καὶ παρ' αὐτοῖς ὁμολογεῖσθαι τοῖς ἁλισκομένοις δικαίαν ποιεῖσθαι τὴν κρίσιν.* Aristid. Panath. p. 171, Dind.

16) Is Wachsmuth, ii. 1. §. 348, right in conjecturing that suits might be instituted for nullity of judgment in cases they had decided? The subject of the accountability of the Areopagus (Æschin. adv. Ctesiph. c. 6) does not come in here. See de jure magg. p. 48.

17) As Schömann (de sortit. judd. p. 33), Heffter (§. 48), and Platner (Proc. i. §. 68), rightly conclude from Isocr. adv. Callim. p. 910, and Demosth. adv. Neær. p. 1348. 22, and which Forchhammer (de Areopago, p. 35) ought not to have disputed. On the pretended limitations of the Areopagus, see below, §. 109. nn. 5, 6.

18) Poll. viii. 125 : *κατὰ μικρὸν δὲ κατεγελάσθη τὸ τῶν Ἐφετῶν δικαστήριον.*

PART III.

From Solon to Aristides.

§. 106. The factions, to allay the reviving animosities of which was Solon's[1] immediate object, had, at that time, formed parties corresponding to the geographical division of the country[2], which we have already adverted to; the Pediæi, or inhabitants of the lowlands, insisted on a strict oligarchy; the Parali, on the coast, who, did we not find the Alcmæonid Megacles at their head, might be considered the wealthier portion of the people, wished for a mixed constitution: but the Dia-

crii or Hyperacrii, formed the great majority, who, in their impoverished[3] state, looked for relief only from a total revolution. Solon might, had he so chosen, have made himself tyrant[4] by heading this populace; but he preferred acting as mediator, and with this view caused himself to be elected archon B. C. 594[5], as being an Eupatrid of the house (γένος) of Codrus. His first steps were the famous σεισάχθεια[6], or abolition of interest, which relieved the poorer classes from part of their oppressive debts without encroaching too far on the legal and existing rights of others; and a lowering of the standard of the currency, thereby increasing the value of the hard coin in hand[7] without altering the amount of existing bonds and notes. A total abolition is not to be thought of[8]; but it seems certain that he annulled all mortgages, and fully reinstated every landowner in his property[9]. He also abolished servitude for debt[10], at the same time liberating all who had fallen victims to the system[11]; and in particular passed an act of amnesty in favour of all those who, without being actually criminal, had suffered from the harshness of the penal code which had lately been in force[12].

1) See, on this subject in general, Plut. and Diog. Laert., Vitt. Sol. i. 45—67; of moderns, see in particular, Meursii Solon (Hafn. 1632); God. Schmidius de Solone legislatore (Lips. 1688); Jo. Fr. Mentz, de Solonis legg. (Lips. 1701); Gaudin in Mém. de l'Inst. Sc. Mor. et Pol. t. v. pp. 43—52.

2) Vid. Plut. Solon. c. 13, coll. Herod. i. 59, et sup. §. 92, n. 11.

3) Plut. ibid.; conf. §. 101, n. 9.

4) Plut. c. 14; vid. sup. §. 63, n. 4. sqq.

5) Ol. xlvi. 3; see Diog. Laært. i. 62, and more in Clinton, Fast. Hell. ii. p. 298.

6) Vid. Plut. c. 15, et plur. ap. Menag. ad Diogen. i. 45; Salmas. de modo usur. c. 17, p. 750, sqq.; Wachsm. i. 1. §. 249.

7) So that one hundred drachmæ of the old coinage equalled one hundred and thirty-eight of the new; and what had been worth seventy-three now rose to the value of one hundred. See Böckh's Publ. Œcon. Ath. i. p. 194.

8) Most Greek writers, and many moderns, take *σεισάχθεια* to be a mere euphemism or Atticism for *χρεῶν ἀποκοπή*; comp. C. L. Wilpert, præs. Schläger, de debitore obærato (Helmstädt, 1741), p. 53: *quæsitum nempe est, utrum ipsa debita obæratis remiserit Solon, an vero usurarum tantum moderatione plebem sublevarit. Prius affirmant Dionys. Hal. v. 65; Dio Chrysost. xxxi. p. 331. A., Heracl. Pont. c. 1, alii; contradicunt Androtion apud Plut. l. c., et Etymolog. M., sed hos in errore versari ostendit factum a Pultarcho proditum, etc.* Comp. P. Chr. G. Andreæ de Solonis legum erga debitores lenitate (Wittenb. 1812), (in Beck's Actt. Sem. Lips. ii. p. 470, sqq.) But see Plat. de Legg. iii. p. 684. D, and the judges' oath in Demosth. adv. Timocr. p. 746. 24, to which Wachsm. rightly refers.

9) Plut. ibid.: *σεμνύνεται γὰρ Σόλων ἐν τούτοις ὅτι τῆς τε προϋποκειμένης γῆς ὅρους ἀνεῖλε πανταχῆ πεπηγότας, πρόσθεν δὲ δουλεύουσα νῦν ἐλευθέρα* (conf. Solon. Carm. quæ supersunt, ed Nic. Bachius, Bonn. 1825, p. 104), whereby we are not by any means to imagine a *γῆς ἀναδασμός*. Concerning the *ὅροι* set up on mortgaged lands, see Salmas. de modo usur. c. 15; Herald. Obss. ad J. A. et R. p. 216, and the authorities cited, ap. Taylor ad Demosth. adv. Aristocr. t. iv. p. 358, Schæferi; also Böckh, Publ. Œcon. Ath. i. p. 172; Ind. lectt. Berol. æst. 1822; and ad C. Inscr. i. p. 485.

10) *Πρὸς τὸ λοιπὸν ἐπὶ τοῖς σώμασι μηδὲνα δανείζειν*, Plut. l. c.; conf. Diodor. i. 79, on Bocchoris, and Niebuhr, i. p. 560, sqq., on the Roman *nexum*; which, according to Salmasius, Diss. Misc. p. 312 (though he says otherwise, de modo usur. p. 772), was introduced at Rome from Solon's system. Such is also the opinion of Barlæus, ad Lucian. Tim. p. 150, and Wilpert, l. c. pp. 53—59, who thus renders Plutarch's words: "*non licuisse ea conditione argentum concredere, ut debitor pro fœnore mercenariam præstet operam;*" but see, on the other side of the question, Herald. l. c. p. 286; Andreæ ap. Beck, l. c. p. 472; Meier de bonis damn. p. 27.—On the other hand Solon set no limitation to compound interest. *τὸ ἀργύριον στάσιμον εἶναι ἐφ' ὅσον ἂν βούληται ὁ δανείζων*, Lysias adv. Theomnest. c. 18.

11) Plut. ibid.

12) Plut. c. 19: *ἀτίμων ὅσοι ἄτιμοι ἦσαν, πρὶν ἢ Σόλωνα ἄρξαι, πλὴν ὅσοι ἐξ Ἀρείου πάγου ἢ ἐκ τῶν Ἐφετῶν ἢ ἐκ Πρυτανείου καταδικασθέντες ὑπὸ τῶν βασιλέων ἐπὶ φόνῳ ἢ σφαγαῖσιν ἢ τυραννίδι ἔφυγον*: conf. Platner's att. Process. u. Klagen, i. §. 15; Meier and Schöm. §. 21.

§. 107. After these preparatory measures, Solon proceeded to a temperate execution of Draco's design of setting bounds to the caprice of judges by written enactments[1]; but instead of confining himself, as that statesman had done, to the framing a number of unconnected and inadequate statutes, he drew up a comprehensive code of laws bearing upon all the relations of public and private life[2], and which, without losing sight of the fundamentals of discipline and morals[3],

burst the bands which had up to that moment kept the greater part of the Athenian people in a state of pupillage, political and legal. Interwoven as his system was with the interests of the community at large, it could seem secure only under its protection; and thus Solon made the first decisive step towards the democracy, by extending to all the citizens the right of sitting in the courts and taking part in the public assemblies[4]; originally indeed only for the purpose of electing magistrates, and controlling them by way of last resort[5]. It is certain, from Plutarch's expressions, that the judicial powers of the people were, at first, limited[6] to the hearing appeals and cases of great difficulty; nor was it till afterwards, when most of the public offices had ceased to be elective, that the archons and other magistrates sank from their independent character of judges to be mere presidents in the popular courts, charged with framing and executing their verdicts.

1) Ἄξονες or κύρβεις, comp. Plut. Solon. c. 25, and the commentt. on Aristoph. Av. 1360, with the authorities quoted in Petit. Legg. Att. p. 178, Neumann ad Aristot. Fragm. p. 84, and Wachsm. i. 1. §. 266.

2) Compare on this subject in general, Pand. Prateji Jurisprudentia vetus (Lugdun. 1559); J. Meursii Themis Attica (Traj. 1685); Sam. Petiti leges Atticæ (Paris. 1635), re-edited, cum Animadverss. Jac. Palmerii a Grentemesnil, A. M. Salvinii, C. A. Duckeri et P. Wesselingii, in Heineccii Jurisprudentia Romana et Attica, t. iii. (Lugdun. Bat. 1741); Potter, lib. i. c. 26, who has borrowed from him; Pastoret, Hist. de la legisl. t. vii.; and, for a brief account, Wachsm. ii. 1. §. 198—238.—According to Luzac, Lectt. Att. p. 59, there is in the library at Leiden a manuscript work by J. J. Scaliger, entitled, Pandectes legum Atticarum. Consult also the list of lost or imperfect collections of Athenian laws, in Taylor, Lect. Lysiacc. p. 291, sq., who himself left one incomplete. Compare C. G. Richter, Spec. animadverss. de scriptoribus juris Attici ad Fabricii Bibl. gr. (Lips. 1791); and Hudtwalcker über die Diäteten, p. vii. sqq.—The writings of the two opponents of Cl. Salmasius and Des. Heraldus, namely, the Dissertatio de usuris (Lugd. Bat. 1638), and de modo usurarum (Lugd. Bat. 1645), as well as the Observationes et emendationes (Paris. 1649), and particularly the reply to it, Miscellæ Defensiones pro Cl. Salmasio (1639), belong, in part at least, to this place. The last is to be found in Otto's Thesaurus juris. civil. t. ii. p. 1313—1386, and has been triumphantly answered by the same writer in his Observationes (Animadversiones) ad Jus Att. et Rom., in quibus Cl. Salm. Misc. Defens. ejusque specimen expenduntur (Paris. 1650.) The work entitled,

Ant. Thysii Collatio legg. Atticarum et Romanarum, in Gron. Thes. v. p. 1373—1396, although of interest respecting the historical connection between the Greek laws and those of the XII. Tables, is of little importance.

3) See Wachsm. ii. 2. §. 15.

4) *Συνεκκλησιάζειν καὶ δικάζειν*, Plut. Vit. Solon. c. 18; conf. Plat. de Legg. vi. p. 768. B.: *ὁ γὰρ ἀκοινώνητος ὢν ἐξουσίας τοῦ συνδικάζειν ἡγεῖται τὸ παράπαν τῆς πόλεως μὴ μέτοχος εἶναι.*

5) Aristot. Pol. ii. 9. 4: *ἐπεὶ Σόλων γε ἔοικε τὴν ἀναγκαιοτάτην ἀποδιδόναι τῷ δήμῳ δύναμιν, τὸ τὰς ἀρχὰς αἱρεῖσθαι καὶ εὐθύνειν· μηδὲ γὰρ τούτων κύριος ὢν ὁ δῆμος δοῦλος ἂν εἴη καὶ πολέμιος.* Conf. iii. 6. 7, et Isocr. Panath. p. 626: *μηδέποτ' ἂν γενέσθαι δημοκρατίαν ἀληθεστέραν τῆς τῶν μὲν τοιούτων πραγματειῶν ἀτελείαν τῷ δήμῳ διδούσης, τοῦ δὲ τὰς ἀρχὰς καταστῆσαι καὶ δίκην λαβεῖν παρὰ τῶν ἐξαμαρτανόντων κύριον ποιούσης.* See above, §. 67. n. 5; and my Diss. de jure Magg. p. 3.

6) Plut. Solon. c. 18: . . . *ὃ κατ' ἀρχὰς μὲν οὐδὲν, ὕστερον δε παμμέγεθες ἐφάνη· τὰ γὰρ πλεῖστα τῶν διαφόρων ἐνέπιπτεν εἰς τοὺς δικάστας. Καὶ γὰρ ὅσα ταῖς ἀρχαῖς ἔταξε κρίνειν, ὁμοίως καὶ περὶ ἐκείνων εἰς τὸ δικαστήριον ἐφέσεις ἔδωκε τοῖς βουλομένοις. Λέγεται δὲ καὶ τοὺς νόμους ἀσαφέστερον γράψας καὶ πολλὰς ἀντιλήψεις ἔχοντας αὐξῆσαι τὴν τῶν δικαστηρίων ἰσχύν· μὴ δυναμένους γὰρ ὑπὸ τῶν νόμων διαλυθῆναι περὶ ὧν διεφέροντο συνέβαινεν ἀεὶ δεῖσθαι δικαστῶν καὶ πᾶν ἄγειν ἀμφισβήτημα πρὸς ἐκείνους, τῶν νόμων τρόπον τινὰ κυριεύσοντας.* Heffter, §. 288, and Platner, Beitr. §. 59, Proc. u. Klagen, i. §. 23, are wrong in limiting the functions of the archons, so early as this, to the mere *ἀνάκρισις*.

§. 108. The same observation is applicable to the ordinary affairs of the administration, which were managed by a senate[1] of four hundred members, selected from the four Ionic tribes, and who had attained at least their thirtieth year[2]. Although, strictly speaking, it was only an annual committee of the people, still it appears to have been so far modified, by the exclusion of the very lowest orders, as to have checked, for a time, the tendency to pure democracy, even in the general assemblies, which were held on its summons and under its superintendence[3]. But even in this instance, Solon broke down the defences of the old aristocracy, by substituting for birth, the standard of wealth and the amount of contributions to the state burdens[4]. With this view he divided the whole body of citizens into four property classes, *τέλη* or *τιμήματα*, called severally Pentacosiomedimni, Knights, Zeugitæ,

and Thetes[5], whose estates severally produced to them incomes of above five hundred, or more than three hundred, and above, or less than, one hundred and fifty[6] medimni of dry, or metretes of liquid, produce[7]. Hence in Solon's time, the minimum assessment[8] of the first class amounted to a talent, of the second, to three thousand drachmæ; of the third, to one thousand; the fourth class was not required to contribute to the wants of the state[10], being excluded, in turn, from all offices and posts of honour, as well as exempt from military service[11], except as light armed troops in cases of great emergency. In after times they were required to serve at sea[12].

1) Plut. Vit. Solon. c. 19: *δευτέραν προσκατένειμε βουλήν, ἀπὸ φυλῆς ἑκάστης, τεττάρων οὐσῶν, ἑκατὸν ἄνδρας ἐπιλεξάμενος, οὓς προβουλεύειν ἔταξε τοῦ δήμου καὶ μηδὲν ἐᾷν ἀπροβούλευτον εἰς ἐκκλησίαν εἰσφέρεσθαι.*

2) Xen. Mem. Socr. i. 2. 35.

3) For a more particular account of the constitution of the council, see below, ch. vi. pt. 2. The form given it by Solon underwent many modifications. Whether its members were chosen *ἀπὸ κυάμου*, by lot, as Wachsmuth has, to say the least, too confidently asserted, cannot, on that account, be positively ascertained; Aristotle's testimony, Polit. ii. 9, 2, that Solon did not abolish *τὴν τῶν ἀρχῶν αἵρεσιν*, seems to indicate election by open vote. If we do not include the senate among the *ἀρχαί* (comp. my Diss. de jure magg. pp. 34—36) the exclusion of the Thetes, which even Tittmann has in fact called in question, (pp. 240 and 653) cannot be proved.

4) Creating consequently a timocracy or *πολιτεία*, (see above, §. 59, n. 8; §. 67, n. 1; and Luzac's work there quoted; also Platner's Beitr. §. 58, sqq.; Hüllmann's Staatsr. d. Alt. §. 104; Tittmann, §. 649—658; Wachsm. i. 1. §. 255, sqq.—But are we to ascribe to him also the prohibition in Aristot. Polit. ii. 4. 4: *κτᾶσθαι γῆν ὁπόσην ἂν βούληταί τις*?

5) Vid. Plut. Solon. c. 18: Pollux, viii. 130, et plur. ap. Böckh, Publ. Œcon. Ath. ii. p. 272.

6) Thus Boeckh, ubi sup. But writers give 200 as the amount.

7) On these measures see the authorities quoted above, §. 1. n. 4; Wachsm. ii. 1. §. 77; and on their proportionate value in money, Boeckh. i. p. 127, sqq. It must suffice here to remark, that if not their very invention, at least their regulation was due to Solon; comp. the decree of Tisamenus, ap. Andoc. de Myst. §. 83: *νόμοις δὲ χρῆσθαι τοῖς Σόλωνος καὶ μέτροις καὶ σταθμοῖς.*

8) Thus Boeckh, ii. p. 261, computes the *ἀνήλισκον εἰς τὸ δημόσιον* of Pollux. Hüllmann, in his Ursprünge der Besteuerung (Cölln, 1818), p. 33, is wrong in differing from him; compare Göttling, in the Hermes, xxiii. §. 121.

9) Pollux, l. c.: *οἱ δὲ τὸ θητικὸν (τελοῦντες) οὐδεμίαν ἀρχὴν ἦρχον οὐδ' ἀνήλισκον οὐδέν.* On *θητικὸν τελεῖν*, see Böckh, ii. p. 267, and Göttling (against Hüllmann), pp. 92, 93; compare on this point in general, Ast. ad Plat. de Legg. p. 523; Krabinger on Synesius, p. 246; Grauert ad Aristid. Decl. Lept. p. 105; Wachsm. i. 1. §. 324—327.

10) Aristot. Polit. ii. 9. 4: *τὰς δὲ ἀρχὰς ἐκ τῶν γνωρίμων καὶ τῶν εὐπόρων κατέστησε πάσας, ἐκ τῶν πεντακοσιομεδίμνων καὶ ζευγιτῶν καὶ τρίτου τέλους τῆς καλουμένης ἱππάδος, τὸ δὲ τέταρτον θητικὸν, οἷς οὐδεμιᾶς ἀρχῆς μετῆν.* Conf. Plut. Vit. Solon. c. 18.

11) *Ἐκ καταλόγου*, like the others; see above, §. 67. n. 2; on the service among the knights, also §. 57. n. 2, and, in particular, Larcher, de l'ordre équestre chez les Athéniens, in Mém. de l'Acad. des Inscr. xlviii. p. 83—96; also Petit. viii. 1. p. 657, sqq.; Tittmann, §. 35, 36.

12) See Aristophanes, ap. Harpocr. in v. *θῆτες*, and more in Tittmann, §. 655. The higher classes served as marines (*ἐπιβάται*) only on extraordinary occasions, Thucyd. viii. 24, coll. iii. 16. Compare the *ναυτικὸς ὄχλος*, above, §. 61. n. 7.

§. 109. Finally, two of the most important posts remained in the sole possession of the Pentacosiomedimni, even after Solon's legislation; namely, the archonship[1] and the court of the Areopagus[2], inasmuch as this was composed of ex-archons who had filled their office blamelessly. We have already spoken of the obscurity that exists concerning the origin of this institution; but the constitution and form in which it appears in history[3] is certainly not more ancient than the time of Solon, though he certainly appears to have availed himself of the sanctity already attached to the name and place to ensure to it that influence and inviolability which were essential to the attainment of its chief object, the maintenance, namely, of his laws[4]. Its original right of judging all cases of homicide continued, though evidently the least important part of its duties, since when Ephialtes[5] had deprived it of all but that[6], the Areopagus was thought to be annihilated. It was not restored to its dignity of guardian of the laws, till the fall of the Thirty Tyrants[7]. Its office as such, was, in principle, directly opposed to an absolute democracy, and must have appeared the more formidable to the partizans of that form,

from the indefinite and arbitrary nature of the merely moral power[8] on which its authority was founded, and which rendered it impracticable clearly to define the extent of its influence. In later times it is found particularly active as a censorship of morals, and in several respects may be viewed as a superior court of police[9], making it its business to direct public attention to men who might endanger the state[10], though its own power to inflict punishment in such cases was very limited.

1) Plut. Vit. Aristid. c. 1.

2) Conf. Meurs. Areop. c. 5; Bernard de Archont. p. 56, sqq. One of the chief authorities is found in Argum. Demosth. adv. Androt. p. 588: *εἰσὶ δὲ τούτων διαφοραὶ τρεῖς· καὶ πρώτη ἐστὶ τὸ τὴν τῶν Φ τὰ δημόσια πράγματα διοικεῖν, τὴν δὲ ἐν Ἀρείῳ πάγῳ τὰ φονικὰ μόνον· εἰ δέ τις εἴποι, ὅτι καὶ αὕτη δημόσια διῴκει, λέγομεν ὅτι ἡνίκα μεγίστη ἀνάγκη ἐγίγνετο, τότε περὶ δημοσίων συνήγετο. Δευτέρα διαφορὰ, ὅτι ἡ μὲν τῶν Φ ἀριθμῷ ὑποπίπτει ὡρισμένῳ, ἡ δὲ ἀορίστῳ· ὡς γάρ τινες τῶν ῥητόρων λέγουσι, κατ' ἔτος οἱ ἐννέα ἄρχοντες αὐτῇ προσετίθεντο, ὡς δέ τινες, ὅτι οἱ ἓξ μόνον θεσμοθέται* (comp. Demosth. adv. Timocr. p. 707, 5; adv. Aristog. i. p. 802. 6, etc., though his name sometimes denotes archons in general; see Meier de bonis, p. 43; Bernard, l. c. p. 89; Wachsm. i. 1. §. 263) — — *καὶ εἰ δικαίως ὤφθησαν ἄρξαντες, προσετίθεντο τῇ βουλῇ τῶν Ἀρειοπαγιτῶν· καὶ διὰ τοῦτο οὐχ ὑπέπιπτον ἀριθμῷ· εἰ δὲ μή, ἐξεβάλλοντο. Τρίτη διαφορὰ, ὅτι ἡ μὲν τῶν Φ κατ' ἐνιαυτὸν διεδέχετο, ἡ δὲ τῶν Ἀρειοπαγιτῶν ἦν ἀδιάδοχος· εἰ μὴ γάρ τις ἥμαρτε μεγάλως, οὐκ ἐξέβαλλετο.*—As to their number, I need here only remark, that Plat. Apol. Socr. p. 36. A, and Diogen. L. ii. 41, on which Canaye founds his argument (Récherches sur l'Areopage in Mém. de l'Acad. des Inscr. vii. p. 198, sqq.) do not bear on this point; conf. Fréret, ibid. t. xlvii. p. 263, sq. Tittmann, §. 252, reckons that they were about ninety in number.

3) Matthiæ de judiciis, p. 148: "*in quæstione de Areopago diligenter distinguendum, quid ad eum tanquam judicium, quid ad eundem tanquam senatum pertineat.*"

4) Plut. Solon. c. 19: *τὴν δὲ ἄνω βουλὴν ἐπίσκοπον πάντων καὶ φύλακα τῶν νόμων ἐκάθισεν, οἰόμενος ἐπὶ δυσὶ βουλαῖς ὥσπερ ἀγκύραις ὁρμοῦσαν ἧττον ἐν σάλῳ τῇ πόλιν ἕσεσθαι καὶ μᾶλλον ἀτρεμοῦντα τὸν δῆμον παρέξειν.* Conf. Isocratis Areopagiticus, cum Commentar. J. T. Bergmann (Lugd. Bat. 1819), and Wichers van Swinderin Comm. de Senatus Areopagitici auctoritate, in Ann. Academ. Groningensis, a. 1818—19; also Hüllmann's Staatsr. d. Alt. §. 177—185; Wachsm. i. 1. §. 264.

5) Aristot. Polit. ii. 9. 3: *τὴν ἐν Ἀρείῳ πάγῳ βουλὴν Ἐφιάλτης ἐκόλουσε καὶ Περικλῆς*; conf. Diodor. xi. 77: *ἅμα δὲ τούτοις πραττομένοις* (Ol. lxxx. 1, i.e. 460, B. C.) *ἐν μὲν ταῖς Ἀθήναις Ἐφιάλτης ὁ Σιμωνίδου, δημαγωγὸς ὢν καὶ τὸ πλῆθος παροξύνας κατὰ τῶν Ἀρειοπαγιτῶν, ἔπεισε τὸν δῆμον ψηφίσμασι μειῶσαι τὴν ἐξ Ἀρείου πάγου βουλὴν καὶ τὰ πάτρια καὶ περιβόητα νόμιμα καταλῦσαι.* Plut. Vit. Pericl. c. 9: *διὸ καὶ μᾶλλον ἰσχύσας ὁ Περικλῆς ἐν τῷ δήμῳ κατεστασίαζε τὴν βουλὴν,*

ὥστε τὴν μὲν ἀφαιρεθῆναι τὰς πλείστας κρίσεις (Aristot. Polit. iv. 11. 2) δι' Ἐφιάλτην, κ. τ. λ. vid. plur. ap. Meurs. Areop. c. 9. extr.; Forchhammer de Areopago, pp. 12—14; Wachsm. i. 2. §. 60.

6) See Demosth. adv. Aristocr. p. 642: τοῦτο μόνον τὸ δικαστήριον οὐχὶ τύραννος, οὐκ ὀλιγαρχία, οὐ δημοκρατία τὰς φονικὰς δίκας ἀφελέσθαι τετόλμηκεν, κ. τ. λ., and Lex. Rhetor. appended to Porson's Photius, p. 585, edit. Lips.: κατεστάθησαν, (οἱ νομοφύλακες) ὡς Φιλόχορος, ὅτε Ἐφιάλτης μόνα κατέλιπε τῇ ἐξ Ἀρείου πάγου βουλῇ τὰ ὑπὲρ τοῦ σώματος. This last authority was first adduced by Forchhammer, in the Allgemeine Schulzeitung for 1830, No. 83; the authority of the first is discredited by Schömann (att. Proc. §. 143), and Boeckh (in the Index lectt. Berol. hib. 1826—27; and in Seebode's Archiv. für Philol. i. 5. p. 135, sqq.), appealing chiefly to Lysias de cæde Eratosth. c. 30: τῷ δικαστηρίῳ τῷ ἐξ Ἀρείου πάγου, ᾧ καὶ πάτριόν ἐστι καὶ ἐφ' ὑμῶν ἀποδέδοται τοῦ φόνου τὰς δίκας δικάζειν; Boeckh however, following Andoc. de Myster. §. 78, asserts that the right of judging cases of homicide was recovered between Olymp. lxxxviii. and Olymp. xcii.; but Schömann maintains that it was not before Olymp. xciv. 1, and that till then Heliasts sat in the Areopagus. This opinion has been lately defended by Meier, in the Rhein. Mus. ii. pp. 265—279, and assailed by Boeckh in the Index lectt. 1828—29, supported by Voemel in the Allg. Schulz. 1829, No. 143. On the other hand, see the authority of Demosthenes defended in Platner, Proc. u. Klagen, i. p. xxi (an appendix to p. 27), and by P. G. Forchhammer, de Areopago non privato per Ephialtem homicidii judiciis contra Boeckhium disputatio (Kil. 1828), with the criticisms in support of the same by Schoemann himself, in the Berl. Jahrb. fur. wiss. Kritik. 1829, p. 278, and by myself in the Heidelb. Jahrb. 1830, No. 44; also the annotations on the passage quoted above from Lysias, by G. Hermann, in his Diss. de Hyperbole (Lips. 1829), pp. 17—19.

7) Andoc. de Myster. §. 84, from the decree of Tisamenus: ἐπειδὰν δὲ τεθῶσιν οἱ νόμοι, ἐπιμελείσθω ἡ βουλὴ ἡ ἐξ Ἀρείου πάγου τῶν νόμων, ὅπως ἂν αἱ ἀρχαὶ τοῖς κειμένοις νόμοις χρῶνται; conf. Boeckh ad C. Inscr. i. p. 114.

8) Consult here in particular, the Dissertation by C. Schwab: num quod Areopagus in plebiscita aut confirmanda aut rejicienda jus exercuerit legitimum? (Stuttg. 1818); also Pastoret, Hist. de Législ. vi. pp. 355—383.

9) Censorship of luxury and morals (Athen. iv. 65; vi. 46); superintendence of the public buildings and public health, etc.; conf. Tittmann, §. 255, 256, and in particular, Schubert de Ædil. pp. 65—75.

10) Ἀποφάσεις, see for instance, Dinarchi Oratio adv. Demosth.; conf. Tittmann, §. 209, and in particular, Platner's Proc. u. Klagen, i. §. 27—37. But Æschin. adv. Timarch. c. 34; οὔτε κατηγοροῦμεν οὔτε ἀπολογούμεθα, οὐ γὰρ ἡμῖν πάτριόν ἐστι.

11) Demosth. adv. Neær. p. 1372: ἐζημίου τὸν Θεογένην ὅσα κυρία ἐστὶν, ἐν ἀπορρήτῳ δὲ καὶ μετὰ κοσμιότητος· οὐ γὰρ αὐτοκράτορές εἰσιν ὡς ἂν βούλωνται Ἀθηναίων τινὰ κολάσαι. It seems that such power was extraordinary, and only occasionally exercised by virtue of a decree of the people. Conf. Dinarch. adv. Dem. c. 62.

§. 110. But however great and permanent the services Solon rendered his native city as a legislator, his

enactments, in consequence perhaps of the very spirit of moderation which pervaded them[1], did not, at first, serve even to maintain peace and union during his absence; and the usurpation of absolute power by Pisistratus, B. C. 560, supported by the Demos[2], proved fortunate at that juncture of affairs, inasmuch as it prevented a renewal of the contests with the oligarchical party. It is true that the term tyrant, in the full sense which it bore among the Greeks, may well be applied[3] to Pisistratus, after he had regained, by force of arms, his twice shattered throne, and secured it to his sons after him; but the laws and constitution were never better maintained[4] than under their sway, and history abounds with proofs of their mildness and concern for the common weal. It was not till the incontinence of Hipparchus had occasioned the deed of Harmodius and Aristogiton[5], that Hippias, excited, by severity, the hatred which brought on his ruin[6]; although, strictly speaking, it was the Alcmæonidæ who expelled him by means of Delphian gold and Spartan arms, B. C. 510. This success of the oligarchical party, and their consequent reinstatement in power, could not however ensure their superiority; the people were on the alert, and the dissensions of their antagonists gave them a new leader in the person of Clisthenes[7], whose decisive measures soon perfectly developed the democracy which Solon had left but half formed[8]. It was in vain that the aristocracy, headed by Isagoras, had recourse again to Lacedæmon; Cleomenes, the Spartan king, did indeed, at first, succeed in expelling Clisthenes, but on his proceeding to remodel the senate constituted by Solon, the populace rose, compelled him to withdraw, and leave the party of Isagoras to their vengeance.

1) Tac. Ann. iv. 33: *Nam cunctas nationes et urbes populus aut primores aut singuli regunt; delecta ex his aut consociata rei publicæ forma*

laudari facilius quam evenire, aut, si evenit, haud diuturna esse potest. Conf. Wachsm. i. 1. §. 267.

2) Herod. i. 59, sqq. On the chronology, see Bouhier's Diss. (Mém. de Trevoux, 1709), with Clinton, F. H. vol. ii. pp. 201—203; and on the subject at large, see J. Meursii Pisistratus (Lugd. Bat. 1623); F. Th. Voemel, Exercc. Chronol. de ætate Solonis et Croesi (Francof. 1832).

3) For instances see Aristoph. Lysistr. 1154, with the commentt.; Aristot. Polit. v. 9. 4; Dio Chrysost. xxv. p. 281; Max. Tyr. xxix. 3, etc. Comp. also Wachsm. ii. 1. §. 108.

4) Thucyd. vi. 54; Plut. V. Solon. c. 31.

5) See the instances adduced by Meurs. c. 6; Diodor. Exc. Vat. p. 28 Mai.—On their patronage of education, literature, and the fine arts, see Plat. Hipparch. p. 228. B. sqq., and comp. Per. ad Æl. viii. 2.

6) Thucyd. vi. 55—59, and Herod. v. 62—96.

7) The son of Megacles, and himself one of the Alcmæonidæ; conf. Isocr. π. ἀντιδ. p. 108. Orell., and the authorities quoted by Davis, ad Max. Tyr. xxv. 1.

8) Schömann de Com. p. xv.; Wachsm. i. 1. §. 265—273.—Plutarch (Pericl. 3; Cim. 15), gives as erroneous an idea of him as he does of Aristides.

§. 111. Clisthenes' first step on his return was to abolish the four Ionic Phylæ; an essential change, inasmuch as it dissolved all the bands which could remind the citizens of the old system, and revolutionized the entire constitution[1]. In place of the four Phylæ arose ten, called Erectheis, Ægeis, Pandionis, Leontis, Acamantis, Æneis, Cecropis, Hippothoontis, Æantis, and Antiochis[2]; the number ten was also made prevalent in most of the public offices, since these were filled by elections made by, or at least from, the several Phylæ[3]. The senate was also increased to five hundred, and the number of Naucrariæ[4] from forty-eight to fifty; the former duties of the Naucrariæ, such as the raising subsidies of money or troops for the public service, were made over, by Clisthenes, to Demarchs[5], as presidents of the Demi or hamlets[6]. These were subdivisions of the Phylæ[7], and were one hundred and seventy-four in number[8]. Herodotus, in stating their number[9] at one hundred, seems as wrong as in calling the heads of the Phylæ

Phylarchs, instead of ἐπιμεληταὶ τῶν φυλῶν[10]; the numbers of the Demi varied with the nature of the localities[11], on which that new division was exclusively based[12]. The resemblance between the names of the Demi and the old clans (γένη) was quite accidental[13]. But it would certainly appear that subsequently all citizens were reckoned to belong to the Demi, in which their families had been included at the time of the Clisthenic enactments[14], irrespectively of their actual place of residence. Clisthenes further strengthened the citizens by the admission of Metics and foreigners[15]; to him also[16] is ascribed the institution of Ostracism, which enabled the people to rid itself, by a species of honourable exile, of any individual whose presence in the state might seem incompatible[17] with the principle on which it ruled, that namely, of universal equality of rights[18].

1) Herod. v. 66—69; Aristot. Polit. vi. 2. 11.

2) For the origin of these names vid. Demosth. Epitaph. p. 1397, sqq.; Pausan. i. 5, et plur. ap. Meurs. Lectt. Att. v. 5. Ἐπώνυμοι, and ἀρχηγέται, Bekk. Anecdd. p. 449. 14. On the rotation of offices among the Phylæ, see, in particular, Corsini Fast. Att. t. i. p. 114—185.

3) See Tittmann, §. 302, and, on the political importance of such divisions in general, Wachsm. ii. §. 14.

4) See above, §. 99. n. 5, and on the subject of the Naucrariæ after Clisthenes, Boeckh. Publ. Œc. Ath. i. p. 341, sq.; ii. p. 327, sq.

5) Harpocr. in v., see Platner's Beit. §. 156—172; 207—233; Meier de bonis damm. p. 204; also Boeckh. i. p. 212; ii. p. 281, sq., and on the independent administration of the communities in general, see Tittmann, p. 284, sqq.; Schömann de Com. pp. 376—378.

6) Δῆμος i. q. κώμη, Aristot. Poet. iv. 3; consequently *pagus*; or *oppidum* (Cic. ad Att. vii. 3); but Latin writers occasionally render it by *populus*. Conf. Gronov. ad Gell. N. A. iii. 13, and Corsini, l. c. p. 194, and Lamius ad Meursii Opp. t. i. p. 233; Schöm. de Com. p. 341, renders it *curia*; Sigonius, Rep. Ath. p. 473. 18, *vicus*.

7) On these see at large J. Meursius de populis Atticæ, (Lugd. Bat. 1616), and his Reliqua Attica (Paralipomena), (Traj. 1684); Spon, Voyage, t. ii. p. 363, sqq.; Corsini, l. c. p. 192, sqq., especially pp. 223—247; and Wachsm. ii. 1. §. 431—436, who however could not have been indebted to C. L. Grotefend de demis and pagis Atticæ, (Gött. 1829).

8) Polemo, ap. Strab. ix. p. 607. A; Eustath. ad Iliad. B. p. 284. 16.

9) Herod. v. 69; Grotefend, p. 10, and Wachsm. ii. 1. §. 22, are right

in considering a subsequent increase of their number, as assumed by Schömann, de Com. p. 364, sq., quite inexplicable. The manner however in which Wachsm. i. 1. p. 271, following Corsini, t. iii. p. 128, explains the words *δέκα δὲ καὶ τοὺς δήμους κατένεμε ἐς τὰς φυλὰς* is quite inadmissible.

10) On these see Schömann, l. c. p. 369. Phylarchs are found only among the knights; comp. de jure magg. p. 42, and below, chap. vi. part iv.

11) Hence greater and less *δῆμοι*. Demosth. adv. Eubul. p. 1316. 12.

12) See Müller ap. Ersch. u. Gruber, vi. p. 220—227; this was especially true of the districts on the coast, mentioned in Strabo, ix. p. 610—612. On the geographical relations of the tribes see Grotefend, p. 11. sq.

13) The assertion made by Grauert, Rhein. Mus. i. p. 180, that all which have a patronymic form, as *Φιλαΐδαι, Εὐπυρίδαι, Δαιδαλίδαι*, etc. were not Demi, is hastily advanced; I need only refer to the orator Lycurgus, who is said (Plut. x. Orat. p. 250) to have been *τῶν δήμων Βουτάδης, γένους δὲ τῶν Ἐτεοβουταδῶν*, and it is even seldom found to be the case that a citizen belonged to the Demos which bore the name of his clan. See Buttman on the Phratria, Mythol. ii. p. 316 and ad Plat. Alcib. i. §. 35; Boeckh. in the Heidelb. Jahrb. 1818, p. 312, and ad C. Inscr. i. p. 106. It is remarkable that not one of these Demi lay on the coast.

14) Schömann, p. 366. Hence *δημόται* and *ἐγκεκτημένοι* are distinct; Demosth. adv. Polycl. p. 1208.—Were there Demi also in the city? See Wachsm. ii. 1. §. 23.

15) Aristot. Polit. iii. 1. 10: *ἐφυλέτευσε ξένους καὶ [δούλους] μετοίκους*, where see Göttling, p. 348.

16) Ælian. V. Hist. xiii. 24.

17) Among its first victims Plutarch (V. Nic. c. 11) mentions one Hipparchus, a relative of the tyrant of the name; the most noted, besides Clisthenes himself, are Themistocles, Aristides, and Cimon; to whom add Xanthippus, the father of Pericles (Herac. Pont. c. 1.), Alcibiades' grandfathers, both maternal and paternal, Megacles and Alcibiades, (Andoc. Alcib. c. 34.), twice, according to Lysias (c. Alc. c. 39); Miltiades, the son of Cimon (Andoc. de Pace, c. 3); Thucydides, the son of Melesias (Plut. Pericl. c. 14); Damon the Musician (ibid. c. 4); Callias, the son of Didymus (Andoc. c. Alcib. c. 32); and lastly Hyperbolus; see Thucyd. viii. 73; Plut. V. Alcib. c. 13, with Bähr's remarks, p. 127, 128.

18) See above §. 66. n. 13. Comp. at large Sigonius de Rep. Ath. ii. 4; Meurs. Lectt. Att. v. 18; Petiti Legg. Att. p. 456—459; Geinoz in the Mém. de l'Acad. des Inscr. t. xii. p. 145, sqq.; Montesquieu de l'esprit des loix, xxvi. 17, xxix. 7; Baud in the Mém. de l'Inst. Sc. Mor. et Pol. t. iii. p. 61—79, and Legrand de Laleu Dissertation historique et politique sur l'Ostracisme et le Pétalisme.—Comp. Meier de bonis damn. p. 97, sq.; Haradys, præs. Lusac, (Lugd. Bat. 1803), and Class. Journal, No. xxxviii. p. 357, sqq.; xxxix. p. 151, sqq. On the Modus below cap. vi., Abschn. 2; meanwhile comp. Schömann de Com. p. 243—248; Tittmann, p. 341—346; Platner's Proc. und Kl. p. 386—392.

§. 112. About this same time must have occurred the important change which, for election by public

vote, substituted that by lot, in the case of, if not all, at any rate most of the public offices[1]; whether this were effected by Clisthenes or another is indifferent, inasmuch as the achievements of this or that individual, in that time of political excitement, are entirely absorbed and concealed from view in the spontaneous and unremitted activity which the entire people displayed, both as regarded its domestic and foreign relations, in behalf of its newly won liberty[2]. The timidity, which but a short time previously had prompted it to seek protection from Persia against Sparta, had disappeared; it eagerly watched for every occasion of exerting its youthful strength, whether in its own immediate neighbourhood or in distant quarters. By a successful struggle with Bœotia and Chalcis[3], and a bold contest of rivalry with Ægina[4], it became conscious of that power which shortly afterwards withstood the fiery ordeal of Marathon[5]. The victory won on that plain was no less decisive in favour of the Democracy at home, than of the external independence of Athens[6]. That, under such circumstances, one of the purest characters known in history, Aristides the Just, should have placed the keystone on the arch of absolute Democracy, by throwing open to all citizens, without respect to birth or property, the archonship and all other public offices[7], will not be matter of surprise, when it is considered that he did it for a generation in which all, by equal zeal for the public interest, by equal obedience to the laws, and by equal sacrifices for the common weal, had proved themselves equally worthy of command[8].

1) See above, §. 67. n. 4, and my Diss. de jure magg. p. 15, sqq. On the mode of proceeding see below, ch. vi. part. 4. The first was called ὁ τῷ κνάμῳ λαχών, Herod. vi. 109; Luzac, de Socr. cive, p. 62, says, "*Certe vel ætate Aristidis, vel antequam Pericles auctoritate valeret, hæc obtinuit mutatio.*" Tittmann, p. 308, also considers it to have been subsequent to the time of Clisthenes; but Wachsm. i. 1. §. 273, and Bernard de Archont.

p. 43, ascribe it to him; the error of Sigonius, (Rep. Ath. i. 5), in ascribing it to Solon has been already refuted by Ubbo Emmius, (24—27.)

2) Herod. v. 78: *Δηλοῖ δὲ οὐ κατ' ἓν μοῦνον, ἀλλὰ πανταχῇ ἡ ἰσηγορίη ὡς ἔστι χρῆμα σπουδαῖον· εἰ καὶ Ἀθηναῖοι τυραννευόμενοι μὲν οὐδαμῶν τῶν σφέας περιοικεόντων ἔσαν τὰ πολέμια ἀμείνονες, ἀπαλλαχθέντες δὲ τυράννων μακρῷ πρῶτοι ἐγένοντο. Δηλοῖ ὦν ταῦτα, ὅτι κατεχόμενοι μὲν ἐθελοκάκεον ὡς δεσπότῃ ἐπιτρέποντι, ἐλευθερωθέντων δὲ αὐτὸς ἕκαστος ἑωυτῷ προθυμέετο κατεργάζεσθαι.*

3) Besides Herod. see Ælian. Var. Hist. vi. 1; conf. Boeckh, Publ. Œcon. ii. p. 171, sq.; Wachsm. i. 1. §. 323.

4) Herod. vi. 85—92, and more in Müller's Æg. pp. 112—119.

5) On the points of antiquity connected with the description of the fight, see Boeckh, in the Ind. Lect. (Berol. æst. 1816.)

6) Hence the boasted title *ἄνδρες Μαραθωνομάχοι*, in Aristophanes and others. See Spanheim ad Nubb. v. 982, and Rötscher ueber Ar. und sein Zeit. p. 85—93, with my review of the same in the Hiedelb. Jahrb. 1829, p. 604, sqq.

7) Plut. Vit. Aristid. c. 22: *ἅμα μὲν ἄξιον ἡγούμενος διὰ τὴν ἀνδραγαθίαν ἐπιμελείας τὸν δῆμον, ἅμα δ' οὐκέτι ῥᾴδιον, ἰσχύοντα τοῖς ὅπλοις καὶ μέγα φρονοῦντα ταῖς νίκαις ἐκβιασθῆναι, γράφει ψήφισμα, κοινὴν εἶναι τὴν πολιτείαν καὶ τοὺς ἄρχοντας ἐξ Ἀθηναίων πάντων αἱρεῖσθαι.* See also Aristot. Polit. v. 3. 5, and on their political importance, iii. 3. 6: *μάλιστα πολίτης ὁ μετέχων τῶν τιμῶν*: conf. iii. 6. 3.—Corsini doubts, indeed (F. A. i. 15), that this was long the case; Wachsmuth also, i. 2. §. 33, thinks the Thetes were tacitly excluded, but see Boeckh, Publ. Œcon. ii. p. 275, on the passage in Isæus de Apollod. her. c. 39: *ἀπεγράψατο μὲν τίμημα μικρὸν, ὡς ἱππάδα δὲ τελῶν ἄρχειν ἠξίου τὰς ἀρχάς*, at which Tittmann, p. 653, stumbles.

8) Isocr. Paneg. c. 22; especially, p. 56. ed. Spohn: *οὐ γὰρ ὠλιγώρουν τῶν κοινῶν, οὐδ' ἀπέλανον μὲν ὡς ἰδίων, ἠμέλουν δὲ ὡς ἀλλοτρίων· ἀλλ' ἐκῆδοντο μέν ὡς οἰκείων, ἀπείχοντο δὲ, ὥσπερ χρὴ τῶν μηδὲν προσηκόντων, κ. τ. λ.* Compare Wachsm. i. 2. init., especially §. 26, 27.

CHAP. VI.

ON THE POLITICAL ORGANISATION OF THE ATHENIAN DEMOCRACY.

PART I.

Of personal rights in general, and civil rights in particular.

§. 113. That a democracy of so decided a character as the Athenian should maintain its institutions[1], in their essentials at least, for a period of two centuries, and give them such consistency that they appear in history not as transient phenomena, but as a well organised system, may, at first, afford matter of surprise; but, let it be remembered that it possessed an advantage over most other Greek governments, in having not merely an actual but a legal existence[2]. Far from disparaging the name of Solon, or throwing it into the shade by their numerous departures from his institutions, the Athenians rather gave the sanction of his name[3] to those innovations, which, though more or less destructive of them, still seemed to have been contemplated by that legislator himself, when he enjoined an occasional revision of his enactments[4], and so prospectively sanctioned such modifications of them as the exigencies of the times might require. This very consciousness, however, that their sovereignty was that of the law, and essentially depended on its inviolability[5], protected the law, at least in the letter, from the effects of their caprice; an additional check existed in their scrupulous veneration[6] of all that antiquity or tradition had hallowed; and though such restraints were in after times set at nought by the licentious

spirit of the commonalty, still the name of freedom was never profaned to sanction a sacrifice of the intentions of the law or its assertors to the caprice of individuals[7]. The liberty of the individual was certainly great, because the constitution of the state rendered no great restrictions necessary[8]; but even this liberty gave him no other rights than those common to every member of the community alike.

1) Sigonius, de Republ. Atheniensium, together with the book, de temporibus Athen. et Lacedæm. (Bonon. 1564; Hanov. 1611, found also in the collections of his works, and in Gronov. Thesaur. t. v.), are still valuable on account of their originality, and from having afforded the groundwork of most that has been since published on the subject. Besides Ubbo Emmius, Potter, and the other writers already quoted, the following are of importance on the subjects on which we are entering: Ant. Thysii de rep. Ath. discursus, and Guil. Postelli Tract. de Republ. s. Magg. Athen. (ed. J. Fr. Hekelius, Lips. 1691; both also in Gron. Thes. t. v.); Guil. Possardus de Magg. Atheniensium, appended to Zamoscius de Senatu Romano (Argent. 1608), and in Clausing's Jus publ. Rom. t. iii.; and Fr. Rous, Seven books of the Attic Antiquities (Oxf. 1637); Ed. Corsini, Fasti Attici (Flor. 1744—56); Cl. Biagius de decretis Atheniensium (Rom. 1785). Of more modern writers the chief are, Barthélémy, Voy. d'Anach. chap. xiv.—xix; Tittmann, vol. iv.; Levesque sur la constitution de la républ. d'Athènes, in Mém. de l'Inst. Sc. Mor. et Pol. iv. p. 113—278; and Pastoret, Hist. de la Legislation, t. vi. and vii.

2) Soph. Œd. Col. 913:—

— δίκαι' ἀσκοῦσαν —— πόλιν,
κἄνευ νόμου κραίνουσαν οὐδέν.

Pausan. iv. 35. 3: οὐ γάρ πω δημοκρατίαν ἴσμεν ἄλλους ἢ Ἀθηναίους αὐξήσαντας· Ἀθηναῖοι γὰρ προήχθησαν ἐπὶ μέγα ἀπ' αὐτῆς. Συνέσει γὰρ οἰκείᾳ τὸ Ἑλληνικὸν ὑπερεβάλλοντο καὶ νόμοις τοῖς καθεστηκόσιν ἐλάχιστα ἠπείθουν. On this legal character of the Athenian government, compare also Niebuhr's Kl. histor. Schr. p. 476, sqq.

3) See Wachsmuth, i. 1. §. 268, coll. 203.

4) See Wachsmuth, §. 211; and below, part ii. §. 131.

5) Τῶν γὰρ ὄντων ἀγαθῶν τῇ πόλει καὶ τοῦ δημοκρατουμένην καὶ ἐλευθέραν εἶναι, ὡς ἄλλο τι τῶν νόμων αἰτιώτερόν ἐστιν, οὐδ' ἂν ἕνα εἰπεῖν οἶομαι, are the words of Demosth. adv. Timocr. p. 701. 10; comp. p. 748. 20; adv. Aristog. ii. p. 803. 23; Æschin. adv. Ctesiph. c. 2. In Rhetor. ad Alex. Procem. p. 16. Bip.; the context seems to require: τοῖς μὲν ἐν δημοκρατίᾳ πολιτευομένοις ἡ ἀναφορὰ περὶ πάντων εἰς τὸν νόμον ἐστί: ubi vulg. εἰς τὸν δῆμον.—On the γραφὴ παρανόμων, see below, §. 132.

6) Εὐσεβέστατοι τῶν Ἑλλήνων καὶ δικαιότατοι: see Lycurg. adv. Leocr. c. 5; Reisig ad Œd. Col. p. lxi; Schubert de Ædil. p. 44; Meier in the Rh. Mus. ii. p. 277, and on their δεισιδαιμονία, Valcken. Schol. in Actt. Apost. xvii. 22. p. 551.

7) Thucyd. ii. 37: *τὰ δημόσια διὰ δέος μάλιστα οὐ παρανομοῦμεν, τῶν τε ἀεὶ ἐν ἀρχῇ ὄντων ἀκροάσει καὶ τῶν νόμων, κ. τ. λ.* Demosth. adv. Aristog. i. p. 776; ii. p. 802. 10; 808. 4; adv. Timocr. p. 742. 29; also 739. 6: *ὑμεῖς γὰρ τὰ ἐπὶ τῷ πλήθει νενομοθετημένα δεινὰ . . . . οὐ λύετε, κ. τ. λ.* Plut. Sept. Sapp. Conv. c. 7. Conf. de jure magg. pp. 30, 31.

8) See in particular Boeckh's Publ. Œcon. vol. i. p. 276, sqq., and Tittmann, p. 29, for the reasons why the Athenians could dispense with a regular police.

§. 114. Before however we proceed to consider the Athenian citizen as participating in the power of the community according to the three distinctions of that power laid down in a former part of this work[1], we must take a view of the conditions under which that participation took place, and clearly distinguish the class of persons to which, though not citizens, the Athenians, with greater liberality than any other people[2], ensured various degrees of legal protection and privileges belonging, strictly, to the real citizen alone. Even the slaves enjoyed no unimportant share of the general freedom[3], not merely in the circumstance that in daily life little distinguished them from the common citizen[4], but in consequence of legal enactments, which, it is true, were due in all probability to some dread of so large a portion of the population as they formed[5]. The murder, or wanton ill-treatment of a slave, was punished as in the case of a freeman[6]; he might also take shelter from the cruelty of his actual master, in the temple of Theseus, and could there claim the privilege of being sold by him[7]; nor could he be punished with death without a previous legal sentence[8]. It appears that his owner, however unwilling[9], was bound to liberate him for a certain sum; and manumissions were frequent on other grounds. The freedman[10] was classed with the Metics[11], and was bound to honour his former master as his patron[12]; neglect of this duty entailed the *δίκη ἀποστασίου*, by which the offender was again sold to slavery[13].

1) See §. 53, n. 1. Compare Lycurg. adv. Leocr. c. 19: *τρία γάρ ἐστιν ἐξ ὧν ἡ πολιτεία συνέστηκεν, ὁ ἄρχων, ὁ δικαστὴς, ὁ ἰδιώτης.* Hence the definition in Sigonius, i. 5. p. 484: *civem Atheniensem esse defendimus, qui publicorum consiliorum, judiciorum, magistratuumque particeps fuit*, on which both his division and that I have adopted rest.

2) *Φιλανθρωπία* (Welcker ad Theogn. p. L) and *φιλοξενία*, in direct contrast with the Lacedæmonian *ξενηλασία*. See Creuzer's Or. de Civitate Athenarum omnis humanitatis parente (Franc. 1826), p. 53.

3) See on this subject in general, Petiti Legg. Att. ii. 6. p. 254—265; Wilpert de debitore obærato, pp. 90—103; Pastoret, l. c. vi. pp. 332—342; and a shorter account in Wachsmuth, i. 1. §. 251.

4) Xenoph. Rep. Ath. i. 10, and on the *ἀναρχία δούλων* in democracies in general, Plat. de Republ. viii. p. 562. E.; Aristot. Polit. vi. 2. 12; comp. Rötscher's Aristoph. p. 111.

5) Averaging 400,000; compare Boeckh's Publ. Œcon. i. p. 51; Clinton, F. H. ii. p. 391.—They were a subject of peculiar anxiety in time of war, see Aristoph. Nub. 5. coll. Thucyd. viii. 40. From which however Meursius, Them. Att. ii. 11, infers too much; compare Meier de bonis damn. p. 50.—Are we however to follow Boeckh in the Abh. d. Berl. Akad. 1815, p. 123, in placing a revolt of slaves as early as Ol. xci. 4?

6) See Æschin. adv. Timarch. c. 9; Demosth. Midian. c. 14; Lycurg. adv. Leocr. c. 16; Athen. vi. 92; compare Meier u. Schömann att. Proc. p. 260—266; but is the latter right in understanding only cases of *ὕβρις ἢ αἰσχρουργίας*?

7) *Πρᾶσιν αἰτεῖσθαι*, see Plut. Thes. c. 35; Pollux, vii. 13, and more in Hemsterh. ad Lucian. D. D. xxiv. 2, and Meier u. Schömann, §. 403—405.

8) See Eurip. Hecub. 288; Antiph. de cæde Herod. c. 47 and 48; comp. Des. Herald. Obss. ad J. A. et R. p. 287.—A master, however, who had killed his own slave, needed only religious purification; Antiph. de Chor. c. 4, conf. Plat. de Legg. ix. p. 865. D.

9) Plaut. Casina, ii. 5. 7: *Quid si tu nolis filiusque etiam tuus, Vobis invitis atque amborum ingratiis Una libella possum liber fieri.* Conf. Göller ad ejusd. Aulul. v. 1. 9; p. 125; and the commentators on Tacit. Ann. xiv. 42.

10) *Ἀπελεύθερος* (see Athen. iii. 82; Ammon. p. 27; and on the distinction between *ἀπελεύθερος* and *ἐξελεύθερος*, compare Herald. Obss. p. 328), or *χωρὶς οἰκῶν* (see Boeckh's Publ. Œcon. i. p. 187), as they are called by Demosth. pro Phorm. p. 945. 20: *ἤδη καθ' ἑαυτὸν ὤν.*

11) Boeckh's Publ. Œcon. ii. p. 45.

12) Plat. de Legg. xi. p. 915. A.: *θεραπεία δὲ φοιτᾷν τρὶς τοῦ μηνὸς τὸν ἀπελευθερωθέντα πρὸς τὴν τοῦ ἀπελευθερώσαντος ἑστίαν, ἐπαγγελλόμενον ὅ τι χρὴ δρᾷν τῶν δικαίων καὶ ἅμα δυνατῶν, καὶ περὶ γάμου ποιεῖν ὅτι περ ἂν ξυνδοκῇ τῷ γενομένῳ δεσπότῃ, πλουτεῖν δὲ τοῦ ἀπελευθερώσαντος μὴ ἐξεῖναι μᾶλλον, τὸ πλέον δὲ γιγνέσθω τοῦ δεσπότου.* —Was the patron the legal heir to his freedman's property? Isæus de Nicostr. hæred. c. 9. Compare Bunsen de jure hæred. Athen. p. 51.

13) Harpocr. p. 40: *Ἀποστασίου δίκη τις ἐστὶ κατὰ τῶν ἀπελευθερωθέντων ἐδομένη τοῖς ἀπελευθερώσασιν, ἐὰν ἀφιστῶνταί τι ἀπ' αὐτῶν, ἢ ἕτερον ἐπιγράφωνται προστάτην, καὶ ἃ κελεύουσιν οἱ νόμοι μὴ ποιῶ-*

σιν· καὶ τοὺς μὲν ἁλόντας δεῖ δούλους εἶναι, τοὺς δὲ νικήσαντας τελέως ἤδη ἐλευθέρους. See Jan. Pan, Diss. de grati animi officiis atque ingratorum poena jure Attico et Romano (Lugd. B. 1809), pp. 67—73; and Meier de bonis damn. p. 31—37, whose remark, founded on Demosth. adv. Aristog. p. 790, has been overlooked by Platner in his Proc. u. Kl. ii. p. 80. Platner, however, ii. p. 239, mentions another suit of this description from Suidas: ὅταν δοῦλος ὑπὲρ ἐλευθερίας ἐνίστηται, φάσκων μὴ προσήκειν τοῖς δοῦλον αὐτὸν ἀντιποιουμένοις.

§. 115. As to the Metics in general[1], they were more numerous in Athens than in any other state[2]; the advantages of its situation and the freedom of social intercourse inviting crowds of foreigners, who either permanently settled there or made a protracted stay for commercial purposes. Still they were always considered aliens[3], not being able to inherit landed property[4], and being each obliged to select some citizen as his προστάτης, patron or protector[5], who was security to the state for his good conduct, and, at least in form, acted as his representative in all public and private transactions. The state in turn, for the moderate tax of twelve drachmæ annually for a whole family[6], allowed the Metics to exercise the same profession and trade as the citizens themselves. This legal protection was the more readily granted as industry, manufacture, and commerce, were greatly increased by the residence of these aliens[7]. They forfeited the protection of the state, and were sold as slaves[8], only when they assumed the peculiar privileges of actual citizens, omitted to pay the tax, and, probably, if they neglected to choose a patron[9]; on the other hand, they were, from time to time, reminded of their inferiority to genuine citizens by the σκιαδηφορία, σκαφηφορία, and ὑδριαφορία[10]. They bore their share of all extraordinary burdens and charges to which the citizens were subject[11], and were also bound to perform the same military duty, not merely in defence of the city, but on foreign service also[12].

1) Harpocr. p. 197: *Μέτοικός ἐστιν ὁ ἐξ ἑτέρας πόλεως μετοικῶν ἐν ἑτέρᾳ καὶ μὴ πρὸς ὀλίγον ὡς ξένος ἐπιδημῶν, ἀλλὰ τὴν οἴκησιν αὐτόθι κατακτησάμενος.* See on this subject, Petiti Legg. Att. ii. 5. p. 246—254; Valcken. ad Ammon. ii. 7. p. 109—113; Wolf. Prolegg. ad Demosth. Lept. p. 66—70; Ste-Croix, in Mém. de l'Acad. des Inscr. xlvii. p. 176—207.

2) It amounted (B. C. 309) to 10,000 male adults, Athen. vi. p. 272. C., whence we may calculate the rest of the population. Comp. Boeckh, i. p. 47, sqq.; Clinton, F. H. ii. p. 389; and the authorities cited above, §. 99. n. 4.

3) Hence often called *ξένοι*, see Platner's Beitr. p. 107.—Ste.-Croix is wrong in saying, *citoyens par la nature et cessant de l'être par la loi.*

4) See Boeckh's Publ. Œcon. i. p. 187, from Demosth. pro Phorm. p. 946. 6.

5) *Ἠιρεῖτο γὰρ ἕκαστος αὐτῶν ὃν ἤθελε τῶν πολιτῶν τινὰ προστάτην, τὸν ἐπιμελησόμενον καὶ τῶν ἰδίων καὶ τῶν δημοσίων ὑπὲρ αὐτοῦ, ὥσπερ ἐγγυητὴν ὄντα,* Etymolog. M. p. 124. 50; also *νέμειν* or *ἐπιγράφεσθαι προστ.*, Orell. ad Isocr. *π. ἀντιδ.* p. 238; or *ἐπὶ προστάτου οἰκεῖν*, Lysias adv. Philon. c. 9. See Wachsm. i. 1. p. 250.

6) Widows however paid only six; comp. Meurs. Lectt. Att. i. 9; Boeckh's Publ. Œcon. ii. p. 44. It was called *μετοίκιον*, and the paying it *ξενικὰ τελεῖν* (Demosth. adv. Eubul. p. 1309. 6).

7) See especially Xenoph. de Vectig. c. 2, and de Rep. Ath. i. 12.

8) *Ἀπήγοντο πρὸς τοὺς πωλητὰς* (Demosth. adv. Aristog. i. p. 787. 27: *πρὸς τὸ πωλητήριον τοῦ μετοικίου*?), see Meier de bonis damn. p. 37—41; Platner's Proc. u. Kl. ii. p. 73, sqq.—I am myself of opinion that in Suidas and Photius, p. 478. Pors.: *ὑπέκειντο δὲ τοῖς πωληταῖς . . . καὶ οἱ ξενίας ἀλόντες καὶ ὁ μέτοικος προστάτην οὐκ ἔχων καὶ ὁ ἀποστασίου γραφείς*, the sentence, *τούτων γὰρ τὰς οὐσίας πωλοῦντες παρακατέβαλον εἰς τὸ δημόσιον*, has originated in a mistake of the grammarians themselves.

9) Hence the *ἀποστασίου γραφή*, Meier and Schömann, Att. Proc. p. 315—318, and Heffter, p. 165—168, who follows Pollux, iii. 56, in extending it to the two other cases mentioned in the text.

10) See Poll. iii. 55, and more in Vales. ad Harpocr. p. 172; Per. ad Æl. vi. 1.

11) *Λειτουργίαι καὶ εἰσφοραὶ* (*τὸ ἕκτον μέρος*? Demosth. adv. Androt. p. 612. 4), comp. Boeckh, Publ. Œcon. ii. p. 313, sqq.; Wachsm. ii. 1. p. 137.—Also voluntary contributions (*ἐπιδόσεις*), Demosth. c. Steph. p. 1127. 13.

12) Thucyd. ii. 13; iv. 90; Xenoph. de Vectig. ii. 3. Conf. Boeckh. ad C. Inscr. i. p. 305, sqq.

§. 116. The *ἰσοτελεῖς* were a privileged class of Metics, whom the state, in return for distinguished services, raised to an equality with the real citizen in his private capacity and with respect to pecuniary contributions, without however admitting them to the ex-

ercise of the peculiar political rights of the citizens[1]. Athens also, like other states, granted by especial agreement, as well to whole districts and cities as to individuals, the rights of intermarriage and of possessing landed property in Attica, safe conduct both in war and peace, by sea and land, together with other peculiar rights and immunities[2]; some of which, exemption for instance from tolls and customs[3], not even citizens enjoyed indiscriminately. To the class of *ἰσοτελεῖς* belonged, in particular, the *πρόξενοι*, whom the state appointed in foreign stations to watch over the interests of its citizens, giving them in turn, besides the rights of public guests, all the privileges which a stranger could possess in Athens[4]. We shall have to revert, in a future section, to the legal favour shown to foreign merchants in the Athenian courts of judicature; in this place need only to be mentioned treaties of commerce (*σύμβολα*) concluded with other independent states, for the purpose of ensuring mutual protection in commerce, and for settling rules for the adjustment of disputes connected with it[5]. The more ready solution of such was naturally by referring to existing positive stipulations, but recourse was sometimes had to other states for arbitration[6].

1) Ste-Croix, l. c. p. 189—194; Boeckh. in Abh. d. Berl. Acad. v. 1815, p. 120; Publ. Œcon. ii. p. 316, sqq.; Pastoret. hist. de la législ. t. vi. p. 327, sqq.—From the expression of Ammonius: *πάντα ἔχων τὰ αὐτὰ τοῖς πολίταις πλὴν τοῦ ἄρχειν*, Wolf. ad Leptin. p. lxx. and Schömann de Com. p. 81. F., would conclude that they were allowed to take part in the public assemblies, and were eligible to offices; Tittmann, p. 646, excepts that of archon, but *ἄρχειν* may well be taken in a general sense as in Aristot. Polit. iii. 1. 4; Schol. Aristoph. Plut. v. 917.

2) *Ἐπιγαμίαν, ἀσφάλειαν καὶ ἀσυλίαν καὶ κατὰ γῆν καὶ κατὰ θάλασσαν καὶ πολέμου καὶ εἰρήνης οὔσης, γῆς καὶ οἰκίας ἔγκτησιν* (dor. *ἔμπασις, ἔππασις*, Boeckh. ad C. Inscr. i. p. 725), etc.; see C. Inscr. p. ii. cl. i. passim; Tittmann, p. 165; and on *ἐπιγαμία* in particular, Platner's Proc. ii. p. 73.—*Στῆλαι ἀντίγραφοι*, Demosth. adv. Leptin. §. 29.

3) *Ἀτέλεια*, Wolf. ad Demosth. Lept. p. lxxi. sqq.; Boeckh's Publ. Œcon. i. p. 116, sqq. Also *προεδρία*, Wolf. ibid. p. lxxiii.; Groddeck de Aulaeo et Proëdria Græcorum (Vilnæ, 1821), also published in Friedem. u. Siebode's Misc. Crit. i. p. 293, sqq. Compare Schömann de Com. p.

335, sq.; Wachsm. i. 2. §. 34, sq., and in particular, Köhler's essay on the question—Gab es bei den Alten Belohnungen des Verdienstes um den Staat, die den Ritterorden neuer Zeit ähnlich waren? published in Morgenstern's Dörptischen Beiträgen für Freunde der Philos. Lit. u. Kunst, 1813 and 1814. See also the Byzantine decree in Demosth. pro Cor. p. 256, and Van Dale, Diss. ix. p. 776.

4) See C. Inscr. n. 90—92; conf. Demosth. Lept. §. 49: *εὐεργεσίαν, προξενίαν, ἀτέλειαν ἁπάντων.* But the same authority says, §. 111: *ἕτερον πρόξενόν ἐστιν εἶναι καὶ ἀτέλειαν εὑρῆσθαι.* On the duties of the *πρόξενος*, see Demosth. adv. Callipp. p. 1237. 17; comp. Valcken. ad Ammon. iii. 10; Ste-Croix sur les anc. col. p. 89; Hüllm. Anfänge, p. 153; and, besides the authorities given by Schömann, p. 56, and Platner, Proc. u. Klagen. i. §. 89, F. W. Ullrich de Proxenia, p. i. (Berl. 1822); Wachsm. i. 1. §. 122, and Boeckh. ad C. Inscr. i. pp. 731, 732.

5) *Σύμβολα*, says Harpocrat. *τὰς συνθήκας, ἃς ἂν ἀλλήλαις αἱ πόλεις θέμεναι τάττωσι τοῖς πολίταις, ὥστε δίδόναι καὶ λαμβάνειν τὰ δίκαια*, on which see Valesius, p. 332—334; comp. Andoc. c. Alcib. c. 18: *πρὸς μὲν τὰς ἄλλας πόλεις ἐν τοῖς συμβόλοις συντιθέμεθα μὴ ἐξεῖναι μήθ' εἱρξαι μήτε δῆσαι τὸν ἐλεύθερον, κ. τ. λ.*; Aristot. Polit. iii. 1. 3, and more on the *δίκας ἀπὸ συμβόλων* in Heffter, p. 89—93; Schöm. and Meier, p. 773—780; Platner, Proc. u. Kl. i. p. 105—114.

6) *Πόλις ἔκκλητος*, see Schol. Æschin. adv. Timarch. c. 36. p. 112. 1; and Hudtwalker über d. Diäteten. p. 123—127; Heffter, p. 340.

§. 117. It is not known that Athens was ever on terms of perfect Isopolity with any other state, so that citizens of one obtained full rights as such on settling in the other[1], unless it were in the case of the Platæans[2], who were at once incorporated with the Athenians when expelled from their own town[3]. The Cleruchi Athens sent out from time to time, subsequent to 506 B. C., to occupy conquered lands[4], cannot properly be reckoned among the *ἰσοτελεῖς*, since they never lost the rights of Athenian citizens, although they formed separate communities[5]. On the other hand, the admission of individual foreigners to full citizenship was at all times of very common occurrence, and eventually increased to a pernicious degree[6], notwithstanding legal restrictions and the troublesome formalities attending it[7]. In strictness, only real services to the state entitled to the honour; the candidate was proposed in two successive public assemblies, at the second of which at least 6000 citizens

voted for him by ballot; and even then his admission, like every other decree of the people, was open during a whole year to the γραφὴ παρανόμων. That no such adopted citizen (δημοποίητος[8]) could be admitted to a Phratria, has been already stated[9], as well as the consequences of that exclusion. He was, however, enrolled in one of the Phylæ and in some demus, being, with the sole exception just mentioned, inferior to none.

1) Wachsm. i. 1. p. 124.—As the Latins and Romans, Liv. xlvi. 8.—Boeckh. ad C. Inscr. i. p. 732: *Ἰσοπολίτῃ enim non magis quam ἰσοτελεῖ jus suffragii multoque minus magistratuum capessendorum fuit — ? —*

2) Thucyd. iii. 55; Diodor. xv. 46; but see Meier de bonis damn. p. 52, 53; Wachsm. i. 2. pp. 149 and 271.—The history of this state comprises, their alliance with Athens, B. C. 519; the first destruction of their town, B. C. 427; their return, B. C. 387? second destruction of their town, B. C. 373; their restoration by Philip, B. C. 337. Pausan. iv. 27. 5; ix. 1. 4.

3) Comp. Demosth. adv. Neær. p. 1377—1381; Lysias contr. Pancleon, and the Plataicus of Isocrates.—Aristoph. Ran. 706: *καὶ Πλαταιᾶς εὐθὺς εἶναι κἀντὶ δούλων δεσπότας*: comp. Sturz. ad Hellen. p. 125.

4) Thucyd. iii. 50 (of Lesbos): *κλήρους δὲ ποιήσαντες τῆς γῆς τρισχιλίους, τριακοσίους μὲν τοῖς θεοῖς ἱεροὺς ἐξεῖλον, ἐπὶ δὲ τοὺς ἄλλους σφῶν αὐτῶν κληρούχους τοὺς λαχόντας ἀπέπεμψαν.* On κληροῦχος (*agripeta*, Cic. N. D. i. 26,) see Spanheim ad Aristoph. Nubb. 203; Drumann's Verfall d. gr. St. p. 745, sqq., and particularly Boeckh's Publ. Œcon. ii. p. 168, sqq. and Wachsm. i. 2. p. 36—43.

5) See the decree of the Salaminians, in the Corpus Inscr. i. p. 150, with Boeckh's remarks; on Ægina, see Müller, p. 182, sqq.; on Delos, Spanheim ad Callim. p. 586; on Lemnos, see the Corp. Inscr. p. 297, and my Review of Rhode's Res Lemnic. in the Hiedelb. Jahrb. 1830, No. 63, p. 1007.

6) Andoc. de reditu, c. 23: *ὁρῶ δὲ ὑμᾶς πολλάκις καὶ δούλοις ἀνθρώποις* (is Dio Chrysost. xv. p. 239, inconsistent with this?) *καὶ ξένοις παντοδαποῖς πολιτείας διδόντας . . . οἳ ἂν ὑμᾶς φαίνωνται ποιοῦντές τι ἀγαθόν, κ. τ. λ.* Conf. Demosth. adv. Aristocr. passim, et plur. ap. Meursius de Fortuna Athenarum, c. v.; Meier de bonis damn. p. 48—63; Wachsm. ii. 2. p. 351; also Leloup, ad Isocr. de pace (c. 15), p. 65, who, on the ultimate abuse of the custom, quotes, in particular, Jacobs ad Anthol. gr. iv. p. 132.

7) *Μετὰ πολλῶν ἀναλωμάτων καὶ πραγματείας*, Demosth. adv. Neær. p. 1349. 20. See the law, ibid. p. 1375, and Plut. Solon. c. 24.

8) See Geel's Anecdd. Hemsterh. p. 58. Literally, the adopted son of the people, *θετὸς πολίτης*, Argum. Dem. adv. Aristocr. p. 620. 4. Hence Lysias adv. Agorat. c. 91: *τὸν δῆμον, ὃν αὐτός φησι πατέρα αὑτοῦ εἶναι, φαίνεται κακῶσας, κ. τ. λ.* Conf. Aristid. Panath. t. i. p. 164, Dind.—Also *κατὰ ψήφισμα πολίτης* (Demosth. adv. Nicostr. p. 1252. 20.)

9) See above, §. 100. n. 4—6; Hemsterh. ad Aristoph. Plut. p. 368.

§. 118. With the above exception, Athenian citizenship depended essentially on being born in lawful wedlock, of parents who were themselves both citizens. The offspring of a citizen and a foreign woman were, in the eye of the law, illegitimate, *νόθοι*[1]; Solon deprived them of all the *jura agnationis*[2], and, on the decease of the father, the utmost claim they had on his property was a portion (*νοθεία*) of 1000 drachmæ[3]; there is not, however, any evidence that they were, in that legislator's time, excluded from the other rights of citizens. Their participation in the exercises of the Gymnasia with the rest of the Athenian youth[4], for which purpose, moreover, the Cynosarges[5] was set apart for them, is testimony for the very reverse. Pericles, as far as we know, first exacted citizenship on the mother's side also[6]; but his law, if not actually repealed, must have become obsolete in the course of the Peloponnesian war[7]; for, when Aristophon revived it in the archonship of Euclides, he expressly excepted from its operation all born up to that time of women who were not citizens[8]; so that it was only from that time that the citizenship of both parents became legally essential.

1) See Meurs. Them. Attica, ii. 12; Tittmann, p. 635—639, with the somewhat different account given by Meier de bonis damn. p. 63, sqq., and Platner, Beit. p. 106—124; Aristot. Polit. iii. 1. 4, 5, from which it also appears that the offspring of a foreigner by a female citizen were considered *ξένοι*. The law quoted by Demosth. adv. Neær. p. 1350: *ἐὰν ξένος ἀστῇ συνοικῇ*, κ. τ. λ., respects only cases of seduction; comp. Platner's Proc. ii. p. 70.

2) Aristoph. Aves. 1660: *νόθῳ δὲ μὴ εἶναι ἀγχιστείαν, παίδων ὄντων γνησίων· ἐὰν δὲ παῖδες μὴ ὦσι γνήσιοι, τοῖς ἐγγυτάτω τοῦ γένους μετεῖναι τῶν χρημάτων*, afterwards revived under Euclides. See Bunsen, l. l. p. 15.

3) Harpocr. p. 208, and Meurs. Lectt. Att. i. 21.

4) No author asserts that foreigners were admissible to the Gymnasia; slaves were expressly excluded by the law in Æschin. adv. Timarch. c. 56; comp. Petiti Legg. Attic. p. 387; the exceptions in the Corp. Inscr. n. 1122, 1123, belong to a later period.

5) Plut. Themist. c. 1; this was an ancient custom in the time of Demosth. (adv. Aristocr. p. 691. 18.) On the position of the Cynosarges see O. Müller on Leake's Topography, p. 460.

6) Μόνους Ἀθηναίους εἶναι τοὺς ἐκ δυοῖν Ἀθηναίων γεγονότας, Plut. Pericl. c. 37; Ælian. Var. Hist. vi. 10.

7) On the uncertainty respecting citizenship prevailing at that time, see Elmsl. ad Aristoph. Acharn. 523; Döderlein, in Philol. Beitr. aus d. Schweiz, i. p. 39.

8) Vide Athen. xiii. 38. p. 577. B.; Demosth. adv. Eubul. p. 1308. 25: τοῖς χρόνοις οὕτω φαίνεται γεγονὼς, ὥστε εἰ καὶ κατὰ θάτερα ἀστὸς ἦν, εἶναι πολίτην προσήκειν αὐτόν· γέγονε γὰρ πρὸ Εὐκλείδου: conf. Isæus de Ciron. hæred. c. 43.

§. 119. The requisites to constitute a lawful marriage were, in general, the same as prevailed throughout the civilised west[1]; the fable of the permission of bigamy[2] is founded, at the best, on the remedy the Athenian law provided against concubinage[3]. With respect, however, to degrees of kindred, marriage with half, provided they were not uterine, sisters, was not considered incest[4]; alliances with more distant relatives were sought and esteemed[5]. That a marriage might be perfectly lawful, the previous consent was required of those who had legal power over the bride[6]: that is, of her father or grandfather, or, if neither were alive, of her brother, or nearest male relative, or her guardian[7]. Neglect of this formality excluded the children, as illegitimate, from their father's Phratria[8], and from all claims on his estate[9]; but it can scarcely have entailed any other civil disadvantages on the offspring of two citizens[10]; and, so far, such persons, as well as the νόθοι[11] already mentioned, (previous to the law which expressly denied them citizenship,) appear to have been legitimatised by a species of adoption, and admitted to the full enjoyment of their rights, at least when the father had not other strictly legitimate children[12].

1) See Meier de bonis, p. 65, sqq.; Platner, Proc. ii. p. 246, sqq.; Gans, das Erbrecht in weltgeschichtl. Entwickelung (Berlin, 1824.) i. p. 295, sqq.; Wachsm. ii. 1. p. 204, sqq., and on the marriage law of the Greeks in general, see Jacobs, Abh. über Gegenst. d. Alterthums (Leipz. 1830), p. 165—307.

2) See Hardion in Mém. de l'Acad. des Inscr. viii. p. 282, sqq.;

J. Luzac de Digamia Socratis (Lectiones Atticæ, ed. J. O. Sluiter, Lugd. B. 1809,) p. 54—77.—Οὐδὲ γὰρ καλὸν, δυοῖν γυναίκοιν ἄνδρ' ἕν' ἡνίας ἔχειν, Eurip. Androm. v. 178; conf. v. 465: οὐδέποτ' ἂν δίδυμα λέκτρ' ἐπαινέσω βροτῶν.

3) Γαμεῖν μὲν ἀστὴν μίαν, παιδοποιεῖσθαι δὲ καὶ ἐξ ἑτέρας, Diogen. Laert. ii. 26; comp. Wachsm. i. 2. p. 148; ii. 1. p. 208; Jacobs, l. c. pp. 215—219.

4) Cornel. N. Cimon. c. 1: *Nam Atheniensibus licet eodem patre natas (germanas, μὴ ὁμομητρίας) uxores ducere.* For the passage in Andoc. c. Alcib. c. 33: ἐξωστράκισαν Κίμωνα διὰ παρανομίαν, ὅτι τῇ ἑαυτοῦ ἀδελφῇ συνῴκησε, which Muretus, Var. Lectt. vii. 1. and E. G. Weber, Excurs. ad Herodian. i. 3. 3. p. 256—259, quote, proves nothing more than the moral disapprobation of such alliances; see more in Rutgersii Var. Lectt. i. 9. p. 39; Meurs. Themis Att. i. 14, and Petiti Legg. Att. p. 537, sq; Philo Judæus de special. legg. p. 779. E. (edit. Gelenii), coll. Montesquieu, esprit des loix, v. c. 5; Gans, i. p 309.

5) Demosth. adv. Macart. p. 1076. 7: ἔτι δὲ πρὸς τούτοις καὶ τὴν θυγατέρ' ἔζωκα οὐδαμόσε ἔξω, ἀλλὰ τῷ ἀδελφιδῷ τῷ ἐμαυτοῦ, ὅπως, ἐὰν ὑγιαίνωσι, καὶ οἱ ἐκ τούτων ἐκ τοῦ αὐτοῦ γένους ὦσιν Ἀγνία. Conf. Isæus de Apollod. her. c. 12; Plaut. Rud. iv. 6. 8; Wachsm. ii. 1. p. 170; Gans, i. p. 262.

6) Ἐγγύησις, see Platner, Beitr. p. 109, and Gron. Thes. t. viii. init.

7) The κύριος, comp. the law in Demosth. adv. Steph. ii. p. 1134. 17: ἢν ἂν ἐγγυήσῃ ἐπὶ δικαίοις ἅμαρτα εἶναι ἢ πατὴρ ἢ ἀδελφὸς ὁμοπάτωρ ἢ πάππος ὁ πρὸς πατρὸς, ἐκ ταύτης εἶναι παῖδας γνησίους· ἐὰν δὲ μηδεὶς ᾖ τούτων, ἐὰν μὲν ἐπίκληρός τις ᾖ, τὸν κύριον ἔχειν, ἐὰν δὲ μὴ ᾖ, ὅτῳ ἂν ἐπιτρέψῃ (see Heffter, p. 73; Platner, Proc. ii. p. 250,) τοῦτον κύριον εἶναι: also Plat. de Legg. vi. p. 774. E., and Æschin. adv. Timarch. c. 7. Sometimes even the stepfather, see Isæus de Astyphil. hered. c. 29.

8) See above, §. 100. n. 7: ἐξ ἀστῆς καὶ ἐγγυητῆς, also γαμετῆς, Isæus pro Euphileto, c. 9.

9) Demosth. pro l horm. p. 954. 22: εἰ γὰρ αὐτὴν εἶχεν λαβὼν ἀδίκως ὄδε μηδενὸς ὄντος, οὐκ ἦσαν οἱ παῖδες κληρονόμοι, τοῖς δὲ μὴ κληρονόμοις οὐκ ἦν μετουσία τῶν ὄντων.

10) Meier, l. c. p. 67; Gans, i. p. 313.

11) Petit. p. 217; Platner, Beitr. pp. 131 and 142.

12) We cannot extend any further than this the power of legitimatizing as Gans has done, i. §. 319, sqq. See above, p. 100. n. 9.

§. 120. The appointment of an heir, even by will, could take place only by way of adoption, subject to the legal conditions of the right of bequest[1]. Whether the choice were made during the lifetime of the testator, or by will, it could fall only on citizens[2]; nor could either take place but when the adopting party had no heirs of his body male[3]; if any were subsequently born to him, they could not prejudice the

right of the adopted person[4]. Adoption was moreover not considered as a mere right, but as a duty[5], which, if omitted by the childless person, was usually performed after his death by his nearest relatives, lest his race and its peculiar "*sacra*" should become extinct[6], a circumstance to which the state itself was by no means indifferent[7]. For the same reasons the adopted person could not return into the family of his natural father to inherit his property[8], unless he could leave offspring of his own in that of his adopter[9]; if he were childless he could not be re-adopted, and the property lapsed to the collateral relatives.

1) On this subject in general, see Petit. vi. 6. p. 578, sqq.; C. C. Bunsen de jure hereditario Atheniensium (Gött. 1813), p. 55, sqq.; Gans, i. p. 383, sqq.—There were consequently two kinds of adoption, one during the lifetime of the adopter, the other by his will; see Isæus de Meneclis hered. c. 14; de Apollod. c. 1, which Petit. ii. 4. 5. p. 216, has misunderstood. There was also adoption *ἐπὶ τῷ τρίτῳ μέρει* (*ex triente heres*), Isæus de Dicæog. c. 6. See Meier and Schöm. att. Proc. p. 435—442; and comp. Blanchard, Observations sur les loix, qui autorisoient les adoptions à Athènes, in the Hist. de l'Acad. des Inscr. t. xii. p. 68, sqq.

2) Compare §. 100. n. 13. It generally fell on near relatives; see Isæus de Apollod. c. 35; de Menecl. c. 21; and in particular, Demosth. Leptin. §. 84: *εἰ γὰρ Σόλων ἔθηκε νόμον, ἐξεῖναι δοῦναι τὰ ἑαυτοῦ ᾧ ἄν τις βούληται, ἐὰν μὴ παῖδες ὦσι γνήσιοι, οὐχ ἵν' ἀποστερήσῃ τοὺς ἐγγύτατα τῷ γένει τῆς ἀγχιστείας, ἀλλ' ἵνα ἐς τὸ μέσον καταθεὶς τὴν ὠφέλειαν, ἐφάμιλλον ποιήσῃ τὸ ποιεῖν ἀλλήλους εὖ.* It sometimes fell on females, Isæus de Hagn. cc. 8 and 41.

3) See Solon's law (and comp. Plut. Vit. Solon. c. 21) quoted by Demosth. adv. Steph. ii. p. 1133. 9: *τὰ ἑαυτοῦ διαθέσθαι εἶναι, ὅπως ἂν ἐθέλῃ, ἂν μὴ παῖδες ὦσι γνήσιοι ἄῤῥενες, ἂν μὴ μανιῶν ἢ γήρως ἢ φαρμάκων ἢ νόσου ἕνεκεν, ἢ γυναικὶ πειθόμενος, ἢ ὑπὸ τῶν του παρανόμων ἢ ὑπ' ἀνάγκης ἢ ὑπὸ δεσμοῦ καταληφθείς*: adv. Leochar. p. 1095. 10, *ὅταν τις ὢν ἄπαις καὶ κύριος τῶν ἑαυτοῦ ποιήσηται υἱὸν, ταῦτα κύρια εἶναι.* But he might name substitutes: Demosth. adv. Steph. p. 1136. 16: *ὅ τι ἂν, γνησίων ὄντων υἱῶν, ὁ πατὴρ διαθῆται, ἐὰν ἀποθάνωσιν οἱ υἱεῖς, πρὶν ἐπὶ διετὲς ἡβᾷν, τὴν τοῦ πατρὸς διαθήκην κυρίαν εἶναι.*

4) Isæus de Philoctem. c. 63: *διαῤῥήδην ἐν τῷ νόμῳ γέγραπται, ἐὰν ποιησαμένῳ παῖδες ἐπιγένωνται, τὸ μέρος ἑκάτερον ἔχειν τῆς οὐσίας καὶ κληρονομεῖν ὁμοίως ἀμφοτέρους.*

5) Isæus de Apollod. c. 30: *πάντες γὰρ οἱ τελευτήσειν μέλλοντες προνοίαν ποιοῦνται σφῶν αὐτῶν, ὅπως μὴ ἐξερημώσουσι τοὺς σφετέρους αὐτῶν οἴκους, ἀλλ' ἔσται τις καὶ ὁ ἐναγιῶν καὶ πάντα τὰ νομιζόμενα αὐτοῖς ποιήσων· διὸ κἂν ἄπαιδες τελευτήσωσιν, ἀλλ' οὖν ποιησάμενοι καταλείπουσι.*

6) *Ἐκ τῶν κατὰ γένος ἐγγυτάτω εἰσποιεῖν υἱὸν τῷ τετελευτηκότι, ὅπως ἂν ὁ οἶκος μὴ ἐξερημωθῇ*, Demosth. adv. Leochar. p. 1093. 13;

compare Platner's Beitr. p. 139. Also *ἵνα μὴ ἀνώνυμος γένηται ὁ οἶκος*, Isæus de Menecl. c. 36, since the name of the grandfather was generally revived in the grandson; compare Demosth. adv. Bœot. de nom. p. 1002, 19; adv. Macart. pp. 1075, 1076; see also Spanheim. ad Aristoph. Nubb. 65; Sluiteri Lectt. Andoc. p. 80; Marx ad Ephor. Fragm. p. 11.

7) Isæus de Apollod. l. c.: *καὶ οὐ μόνον ἰδίᾳ ταῦτα γινώσκουσιν, ἀλλὰ καὶ δημοσίᾳ τὸ κοινὸν τῆς πόλεως οὕτω ταῦτ' ἔγνωκε· νόμῳ γὰρ τῷ ἄρχοντι τῶν οἴκων, ὅπως, ἂν μὴ ἐξερημῶνται, προστάττει τὴν ἐπιμέλειαν.* Another reason probably was that it might not lose any *οἶκος λειτουργῶν*. See ibid. c. 42.

8) But see Demosth. adv. Phænipp. p. 1045. 14: *ἱκανὸν γὰρ χρόνον δὺ' οὐσίας καρπούμενος διατελεῖς, τὴν μὲν τοῦ φύσει πατρὸς, τὴν δὲ τοῦ ποιησαμένου σε?* and adv. Macart. p. 1077. 7.—But *μητρὸς οὐδείς ἐστιν ἐκποίητος*, Isæus de Apollod. c. 25, comp. Platner's Beitr. p. 112.

9) Harpocrat. p. 222; comp. Meurs. Lectt. Att. ii. 4.

10) Demosth. adv. Leochar. extr.: *τοῖς δέ γε ποιηθεῖσιν οὐκ ἐξὸν διαθέσθαι, ἀλλὰ ζῶντας ἐγκαταλιπόντας νῦν γνήσιον ἐπανιέναι, ἢ τελευτήσαντας ἀποδιδόναι τὴν κληρονομίαν τοῖς ἐξ ἀρχῆς οἰκείοις οὖσι τοῦ ποιησαμένου.*

§. 121. The same anxiety of the state to prevent the extinction of families was displayed in the regulations respecting inheritance by women. It was a fundamental principle in Athenian law, respecting the succession to persons dying intestate[1], that male descendants, or male relatives, always excluded the claims of females, who otherwise in point of relationship, had an equal or even a nearer right[2]; and this was the case with descendants either in a direct or only collateral line, except that the right of collateral descendants ended with second cousins[3]. If then an estate lapsed, in regular order of succession, to the female branch of a family, the nearest of the collateral male line could claim it even to the prejudice of the heiress[4], and even of her husband[5], if he had married her before the death of the testator[6]. A formal legal process[7] was instituted to decide the prior claim, in this and in all other cases in which there were no heirs male in direct line. Bequests in favour of a third party could be made by a testator leaving only female issue, solely by his binding the legatees to

marry them[8]. That females however might not be left quite resourceless[9], the law empowered them either to demand marriage of their nearest male relative, or to compel him to settle them with a dowry proportionate to his means[10]. The design of all these regulations was to prevent, as far as possible, the extinction of the male line, or at all events to secure the property to it. Hence an heiress, even after marriage, was an object of especial care on the part of the state[11]; and no sooner were her children of age, than her property devolved to them[12].

1) On this point see Bunsen, l. c. p. 5, sqq., and Platner's review of his work, in which some essential corrections are made, in the Heidelb. Jahrb. 1814. Nos. 74 and 75; also Gans, i. p. 327, sqq.; and, for a brief account, Wachsm. ii. 1. p. 214—218. The dissertation by F. N. Volcmar de intestatorum Atheniensium hereditatibus (Traj. ad Viadr. 1778), is of no value.

2) The chief authority is the law in Demosth. adv. Macart. p. 1067: *ὅστις ἂν μὴ διαθέμενος ἀποθάνῃ, ἐὰν μὲν παῖδας καταλίπῃ θηλείας, σὺν ταύτῃσι, ἐὰν δὲ μή, τούσδε κυρίους εἶναι τῶν χρημάτων· ἐὰν μὲν ἀδελφοὶ ὦσιν ὁμοπάτορες καὶ ἐὰν παῖδες ἐξ ἀδελφῶν γνήσιοι, τὴν τοῦ πατρὸς μοῖραν λαγχάνειν· ἐὰν δὲ μὴ ἀδελφοὶ ὦσιν ἢ ἀδελφῶν παῖδες, οἱ ἐξ αὐτῶν κατὰ ταὐτὰ λαγχάνειν· κρατεῖν δὲ τοὺς ἄῤῥενας καὶ τοὺς ἐκ τῶν ἀῤῥένων, ἐὰν ἐκ τῶν αὐτῶν ὦσι, καὶ ἐὰν γένει ἀπωτέρω. Ἐὰν δὲ μὴ ὦσι πρὸς πατρὸς μέχρι ἀνεψιαδῶν παῖδων, τοὺς πρὸς μητρὸς τοῦ ἀνδρος κατὰ ταὐτὰ κυρίους εἶναι· ἐὰν δὲ μηδετέρωθεν ᾖ ἐντὸς τούτων, τὸν πρὸς πατρὸς ἐγγυτάτω κύριον εἶναι*, on which see Petit, and Wessel. p. 584, sqq.; and Gans, p. 343, sqq., with the paraphrase of the same, ap. Isæ. de Hagn. init.

3) Demosth. ibid. p. 1058. 14; the children of the *ἀνεψιῶν παῖδες* are *ἔξω τῆς ἀγχιστείας*, Isæus de Hagn. c. 9, whence, both in the citation contained in last note and in Isæus, ibid. c. 11. *μέχρι ἀνεψιῶν παίδων*, must be the correct reading. Compare Schömann de cognatorum, qui hodie *collaterales* dicuntur, hereditate, prefixed to the Ind. lectt. Gryphisw. æst. 1830.—Unless indeed we may, with Phrynich. Bekkeri, p. 15. 19, take *ἀνεψιαδοῦς* to mean *ἀδελφοῦ παῖς* as well as *ἀνεψιοῦ παῖς*. Klenze's doubts (über die Cognaten und Affinen, in der Zeitschr. für geschichtl. Rechtsw. vol. vi. p. 138—163, especially p. 144, sqq.) are as unfounded as is the hypothesis of Bunsen, which extends the limitation even to the third degree descending and ascending.

4) *Ἐπίκληρος* and *ἔγκληρος* (Eurip. Iphig. Taur. 664), or *ἐπίδικος*, comp. Budæi, Comm. l. gr. p. 114, sqq.; Meurs. Them. Att. i. 13; Petit. vi. 2. p. 534—543; Sluiteri Lectt. Andoc. p. 80—93; Bunsen, p. 44—49; also Hüllmann's Urgesch. d. Staatsr. p. 67—71. The best account is given by the Schol. Aristoph. Vesp. 583: *ἐπίκληρος λέγεται ἡ νῦν κληρονόμος καλουμένη· ὅταν δὲ παῖς ὀρφανὴ, πατρὸς καὶ μητρὸς ἀδελφῶν τε οὖσα ἔρημος, καὶ ταύτῃ τύχῃ ὑποκειμένη οὐσία, ταύτην καλοῦσιν ἐπίκληρον· ὁμοίως δὲ τὴν ἤδη γεγαμημένην ὅταν ᾖ ἐπὶ τῇ οὐσίᾳ ὅλῃ κατα-*

λελειμμένη· καλοῦσι γὰρ καὶ τὴν οὐσίαν κλῆρον· καλεῖται δὲ ἐπίκληρος καὶ ἡ μηδέπω γεγαμημένη ἀλλὰ παρὰ τῷ πατρὶ οὖσα, καθότι καθήκει αὐτῇ πᾶσα ἡ οὐσία. Καλοῦνται δὲ ἐπίκληροι κἂν δύο ὦσι κἂν πλείους. Τινὲς δὲ τὴν ἐπίκληρον καλοῦσιν ἐπιπαματίδα καὶ πατροῦχον (see above, §. 25. n. 14). Νόμος δὲ ἦν Ἀθήνῃσι, γνησίας μὲν οὔσης θυγατρὸς, νόθου δὲ υἱοῦ, μὴ κληρονομεῖν τὸν νόθον τὰ πατρῷα. For instances of two or more heiresses to the same property, see Andoc. de Myster. c. 117—120; Isæus de Philoctem. c. 46; de Ciron. c. 40; hence the expression, ἐπίκλ. ἐπί παντὶ τῷ οἴκῳ, ibid. de Aristarch. c. 4.

5) Ἐπιδικάζεσθαι τῆς ἐπικλήρου, Platner's Proc. u. Kl. ii. p. 254. sqq. If he were himself already married, the wife was sometimes dismissed, that he might marry the heiress. See Demosth. adv. Eubul. p. 1311. 16. and the Arg. adv. Onetor. p. 863. 4.

6) See Isæus de Pyrrh. c. 64: τὰς μὲν ὑπὸ τῶν πατέρων ἐκδοθείσας καὶ συνοικούσας ἀνδράσι γυναῖκας — ἂν ὁ πατὴρ αὐτῶν τελευτήσῃ μὴ καταλιπὼν αὐταῖς γνησίους ἀδελφοὺς, τοῖς ἐγγύτατα γένους ἐπιδίκους εἶναι κελεύει ὁ νόμος.

7) Demosth. adv. Steph. ii. p. 1135. extr.: ἀνεπίδικον μὴ ἐξεῖναι ἔχειν μήτε κλῆρον μήτε ἐπίκληρον. Even adopted children were bound to observe this formality; Meier is wrong (att. Proc. p. 462) in restricting its occurrence to particular cases. See Isæus, de Pyrrh. p. 61: πρὸς τοὺς εἰσποιήτους ἅπαντες οἱ κατὰ γένος προσήκοντες ἀμφισβητεῖν ἀξιοῦσι: de Philoctem. c. 3. If the claim was really disputed, the proceeding was called διαδικασία. Compare at large, Heffter, p. 272, sqq.; Meier u. Schöm. p. 459—470; Platner's Proc. u. Kl. ii. p. 309—317.

8) Isæus, de Pyrrh. c. 68: ὁ γὰρ νόμος διαῤῥήδην λέγει ἐξεῖναι διαθέσθαι ὅπως ἂν ἐθέλῃ τις τὰ αὑτοῦ, ἐὰν μὴ παῖδας γνησίους καταλίπῃ ἄῤῥενας, ἂν δὲ θηλείας καταλίπῃ, σὺν ταύταις. The courts sometimes annulled such wills, but it was in defiance of the law. See Aristoph. Vesp. 603.

9) Θῆσσαι, see Meurs. Lectt. Att. v. 1; Dio Chrysost. p. 638. D. ed. Morell.

10) Terent. Phorm. i. 2. 75: *Lex est, ut orbæ, qui sunt genere proxumi, Iis nubant, et illos ducere eadem hæc lex jubet.* See the law in Demosth. adv. Macart. p. 1067, sq.; comp. Diodor. xii. 18.

11) Demosth. adv. Macart. p. 1076. 15; Plut. Vit. Solon. c. 20.—On the indulgence shown by the state in the cases of heiresses, ἐπικλήρων κακώσεως, etc., see Herald. Obss. ad. J. A. et R. p. 251; Boeckh's Publ. Œcon. ii. p. 79, sqq.; Heffter, p. 191—194; Meier u. Schömann, p. 290; Platner, ii. p. 224, sqq.

12) Demosth. adv. Steph. ii. p. 1135. 5: καὶ ἐὰν ἐξ ἐπικλήρου τις γένηται, ἅμα καὶ ἠβήσῃ ἐπὶ διετὲς, κρατεῖν τῶν χρημάτων, τὸν δὲ σῖτον μετρεῖν τῇ μητρί. Compare Isæus, de Ciron. c. 31, and on the case of the children of an adopted person, μετ' ἐπικλήρου, ibid. de Pyrrh. c. 50.

§. 122. In all other cases the females of a family could claim only a dowry proportioned to their rank[1], with which their κύριος was bound to provide them on disposing of them in marriage[2]. If they had no off-

spring[3], or in case of divorce, which was both frequent and readily obtained[4], the dowry returned to him, and he accordingly generally exacted security for it of the husband[5], who, if unable to return it at once, was bound to do so by monthly instalments of nine obols[6]. On the death of the husband, his widow had, it seems, the option of returning to the house of her guardian (*κύριος*)[7], or of remaining in that of her children, on whom, in that case, her portion devolved with every other right[8]. Women were, in fact, throughout their life in a state of nonage, and could not be parties to any act of importance without the concurrence of their guardians[9], whose place the husband naturally supplied during his lifetime[10]. The relation the father bore to his son, whilst yet a minor, was also designated by the term *κύριος*, implying however no more than that he was his natural guardian—very different from the sternness of the Roman doctrine on this point[11]. Legal guardians were called *ἐπίτροποι*; their appointments rested with the archon, when the *κύριος* had not provided them by his will[12].

1) Hence the distinction of *ἐπίκληροι* and *ἐπίπροικοι*, Harpocr. p. 114. See Petit. pp. 556, 557; Gans, i. p. 302—308: Meier and Schöm. p. 415—427: Platner, ii. p. 260, sqq.

2) On the amount see Boeckh, Publ. Œcon. ii. p. 283, sqq.: Isæus mentions one-tenth of the property as the minimum, de Pyrrh. c. 51. The law of Solon, quoted by Plut. c. 20: *ἱμάτια τρία καὶ σκεύη μικροῦ νομίσματος ἄξια, ἕτερον δὲ μηδὲν ἐπιφέρεσθαι τὴν γαμουμένην* (see Petiti Legg. p. 548, sqq.) regards only her personal attire, *φερνή*, not the dowry, *προῖξ*. Isæus, de Pyrrh. c. 39, speaks of marriages without dowries (*οἰκύσιτος γυμφίος*, Athen. vi. p. 247. F.) as unheard of; at all events they were morally little less than concubinage, since they left the woman wholly at the caprice of the man; see ibid. c. 28, and Menandr. Sent. v. 371: *νύμφη δὲ ἄπροικος οὐκ ἔχει παῤῥησίαν*, but especially Plaut. Trinum. iii. 2. 63.

3) Isæus, de Pyrrh. c. 36.—Hence it soon became a custom to procure suppositious children, (Aristoph. Thesmoph. 511; Demosth. adv. Mid. c. 41, etc.) see Dio Chrysost. xv. p. 237: *βουλομένη ἑκάστη κατασχεῖν τὸν ἄνδρα τὸν ἑαυτῆς καὶ τὸν οἶκον.*

4) See Meier und Schöm. p. 413; Platner, ii. p. 270, sqq.; coll. 234.—The husband was said *ἀποπέμπειν*, the wife *ἀπολείπειν*, comp. Luzac, Lectt. Att. p. 59; and a further account in Baehr, ad Plut. Alcib. c. 8. p. 103—106; Meinek. ad Menandr. p. 293.

5) Ἀποτιμηθῆναι, see Meier de bonis damn. p. 222. n. 219.

6) Demosth. adv. Neær. p. 1362. 26: ἐὰν ἀποπέμπῃ τὴν γυναῖκα, ἀποδιδόναι τὴν προῖκα, ἐὰν δὲ μή, ἐπ' ἐννέ' ὀβόλοις τοκοφορεῖν καὶ σίτου εἰς Ὠιδεῖον εἶναι δικάσασθαι ὑπὲρ τῆς γυναικὸς τῷ κυρίῳ. The same took place when one who had been betrothed, and received the dowry, would not fulfil his engagement, Demosth. adv. Aphob. p. 819. 1.

7) Demosth. adv. Bœot. ii. p. 1010. 4.

8) Id. adv. Phænipp. p. 1047. 8.

9) Isæus de Aristarch. c. 10: ὁ γὰρ νόμος διαῤῥήδην κωλύει παιδὶ μὴ ἐξεῖναι συμβάλλειν μηδὲ γυναικὶ πέρα μεδίμνου κριθῶν. See Petit. vi. 6. p. 577; Heffter, p. 72, sqq.; Platner, Proc. ii. p. 273.

10) Schol. Aristoph. Equ. v. 969; conf. Isæus de Pyrrh. c. 2.

11) Meier und Schöm. p. 427, sqq.; Wachsm. ii. 1. p. 209. Meurs. Them. Att. i. 2, is full of fabulous matter.—Was it requisite that disinheritance of a son, ἀποκήρυξις (Petit. p. 234,) should be legally ratified? see Meier, ubi sup. p. 432, sqq.; Gans, i. p. 323; Platner, Proc. ii. p. 241.

12) See Meurs. Them. Att. ii. 10; E. Chr. Walch, de tutela impuberum Attica, (Götting. 1767); Meier und Schöm. p. 442, sqq.; Platner, ii. p. 278—290; J. N. Schmeisser (and A. Baumstark) de re tutelari Atheniensium, (Friburgi, 1829.)—The law ascribed to Solon by Diogen. Lært. i. 56: τὸν ἐπίτροπον τῇ τῶν ὀρφανῶν μητρὶ μὴ συνοικεῖν, μηδ' ἐπιτροπεύειν, εἰς ὃν ἡ οὐσία ἔρχεται τῶν ὀρφανῶν τελευτησάντων, is not historically authenticated, unless, with Gans, i. p. 377, we exclude uncles from the right of inheritance.

§. 123. As to the time of majority, when the youth was supposed to become entitled to his rights as a citizen[1], it is now ascertained that by the two years, which, according to the words of the law, were to elapse between the age of puberty and it[2], we are to understand the interval between his sixteenth and eighteenth years[3], which was especially devoted to the exercises of the Gymnasia[4]. After it, the youth was enrolled among the Ephebi[5], entered in the register (ληξιαρχικὸν) of his demus[6], and, after taking the oath of a citizen[7], was armed in the presence of the public assembly[8]. From that time he was, in the eye of the law, of age, might marry, appear before courts of law, and so forth; but he had yet to do frontier duty as περίπολος[9], before, on attaining his twentieth year, he entered on the full exercise of his civic rights, by participating in the general assemblies of the people[10];

from which fact we may understand why some have asserted that he was not registered till then[11]. This registration being attended with formalities similar to those attending enrolment in the Phratriæ, and accompanied by a verification of the claims of the young citizen[12], the Demi, no less than the Phratriæ, were considered as entrusted with the maintenance of the purity of the citizenship, and were accordingly called on by the state to rid the community of intruders[13], by a general scrutiny[14], whenever the ordinary γραφαὶ ξενίας[15] were found insufficient for the purpose. By the strict letter of the law, every one who falsely asserted his citizenship became the property of the state as a slave[16], but, as the fault not unfrequently lay in the carelessness or corruption of the Demotæ, or their officers[17], this penalty was confined to the case in which an intruder, having appealed to the general assembly, was a second time cast in his suit[18].

1) See especially Boeckh de Ephebia Attica, in the Ind. Lectt. Berol. æst. 1819, (also printed in Seebode's Archiv. 1828, iii. p. 78, sqq.); Schöm. de Com. p. 76—79; Platner, Beitr. p. 172—188.

2) Ἐπὶ διετὲς ἠβῆσαι, see, besides the lexicographers and others, above, §. 120. n. 3, §. 121. n. 12, and Clinton's F. H. ii. p. 350.

3) See Bekk. Anecdd. p. 255. 15: ἐπὶ διετὲς ἠβῆσαι τὸ γενέσθαι ἐτῶν ὀκτωκαίδεκα· ἵνα ἥβῃ ἢ τὸ ἑκκαίδεκα ἐτῶν γενέσθαι. Others, following to the letter the common mode of expression, make it to have been in the fourteenth, see Budæus, Comm. l. gr. p. 165, sqq. In Rome, too, the *toga virilis* was assumed after the completion of the fifteenth year; See Sigonius, de Judiciis, iii. 18 (de Ant. Jur. P. R. p. 731); Norisius de Cenot. Pisan. ii. 4. p. 113, sqq.—Boeckh, de Epheb. Att. 4, says that the personal inspection alluded to by Aristoph. Vesp. 598. took place at the commencement of the period of ἥβη, (before the Phratores, see §. 100. n. 14), but according to the Schol. in loco, it took place in the eighteenth year; which is agreeable to Plat. de Legg. xi. p. 925. A.

4) Up to that time the studies of the youth appear to have been divided between grammar, music, and gymnastics; comp. Plat. de Legg. vii. p. 809, sq.—On the gymnastics of the Athenians see a brief account in Wachsm. ii. 2. p. 55, sq.

5) Pollux, viii. 105: εἰς μὲν τοὺς ἐφήβους εἰσήεσαν ὀκτωκαίδεκα ἔτη γενόμενοι. Bunsen, de jure her. p. 19, Boeckh, and Platner, assert, against Corsini, F. A. ii. p. 135, sqq., that it was at the commencement of the eighteenth year, since Demosthenes appears to have then attained his majority, but Vœmel, (in the Heidelb. Jahrb. 1830, p. 275), adduces, on the

other hand, the passage in the oration against Œnotr. p. 868. Since, however, admission among the Ephebi took place but once annually (so Boeckh, p. 7), at the close of the year, (*ἐν ἀρχαιρεσίαις*, Isæus, de Apollod. c. 28; Demosth. c. Leochar. p. 1092. 12), the exact age must have been different in different individuals. Compare also Teles ap. Stob. Serm. xcvi. p. 533: *ἐξ ἐφήβων ἐστὶ καὶ ἤδη εἴκοσιν ἐτῶν*, whom Meinek. ad. Menandr. p. xxx. cites.

6) Lycurg. adv. Leocr. c. 18: *ὑμῖν γὰρ ἐστιν ὅρκος, ὃν ὀμνύουσι πάντες οἱ πολῖται, ἐπειδὰν εἰς τὸ ληξιαρχικὸν γραμματεῖον ἐγγραφῶσι καὶ ἔφηβοι γένωνται, μήτε τὰ ἱερὰ ὅπλα καταισχυνεῖν μήτε τὴν τάξιν λείψειν, ἀμύνειν δὲ τῇ πατρίδι καὶ ἀμείνω παραδώσειν.* Comp. Schömann de Com. p. 379, Clinton, l. c. p. 352, where also may be seen the etymology of the name (*ἄρχειν τῆς λήξεως* or *λαχεῖν τὰς ἀρχὰς*?)—Schubert de Ædil. p. 118, erroneously connects the Lexiarchs with this ceremony, see below, §. 128.

7) In the sacred inclosure of Agraulos, see Pollux, l. l., and more in Schömann de Com. p. 331, sq.; Baehr ad Plut. V. Alcib. c. 15. p. 142—144. On the subject at large, consult Wachsm. i. 1. p. 252, sq.

8) See Aristot. ap. Harpocr. p. 241, *τὸν δεύτερον ἐνιαυτὸν, ἐκκλησίας ἐν τῷ θεάτρῳ γενομένης, ἀποδεξάμενοι τῷ δήμῳ περὶ τὰς τάξεις καὶ λαβόντες ἀσπίδα καὶ δόρυ παρὰ τοῦ δήμου περιπολοῦσι τὴν χώραν καὶ διατρίβουσιν ἐν τοῖς φυλακτηρίοις*, and a further account in Boeckh, de militaribus epheborum tirociniis, in the Ind. Lect. hib. 1819—20, who, be it observed, considers that the presentation in the theatre, mentioned by Æsch. adv. Ctesiph. c. 48, was an honour paid only to those whose fathers had died in battle; on this point see Plat. Menex. p. 249. A., with the commentt., and Meurs. Them. Att. i. 10.

9) See Petiti Legg. viii. i. p. 655; Ducker. ad Thucyd. iv. 67; Neum. ad Aristot. Fragm. p. 92; Geel, Anecdd. Hemsterh. p. 257; conf. Plat. de Legg. vi. p. 760. C.

10) Xenoph. Mem. Socr. iii. 6. 1, conf. Meier, de ætate Alcibiadis in the Ind. Lect. Gryphisw. æst. 1821.—Did they whilst Ephebi, *μελαίνας ἐνημμένοι τὰς ἐκκλησίας περιεκάθηντο* (Philostr. Vitt. Soph. ii. 1. 5)? see Boeckh. ubi sup. p. 6.

11) Pollux, Etymol. M., Harpocr. p. 114; with Petiti Legg. p. 229; also Schubert, de Ædil. p. 118—120; the latter very correctly distinguishes between the time at which civil rights were attained, and that at which service was required by the state; see Tittmann, p. 188, and Clinton's F. H. ii. p. 350. note t. But Demosth. adv. Leochar. p. 1091. 5, makes a distinction between the *πίναξ ἐκκλησιαστικὸς τῶν Ὀρφνέων* and their *ληξιαρχικόν*.

12) Demosth. adv. Eubul. p. 1318. Hence *δοκιμασθῆναι* i. q. *εἰς ἄνδρας ἐγγράφεσθαι*, see Tittmann, p. 320; Clinton's F. H. ii. p. 350; it can hardly have been limited to the case of wards, as Schömann pretends, de Com. p. 379; comp. Plat. Crit. p. 51, with Stallbaum's note, p. 135.

13) *Παρέγγραπτοι*, see Æschin. de Falsa Legat. c. 52.

14) *Διαψήφισις*, which was also had recourse to, if the Lexiarchicon happened not to be at hand. The chief authority on this point is Demosth. adv. Eubul., where see Taylor, t. v. p. 426, sqq. (ed. Schæf.); on the subject at large see Schömann, de Com. p. 380—384; Meier de bonis damn. p. 77—94; Platner, Beitr. p. 188—201; Tittmann, p. 278; and Siebel. ad Philoch. Fragm. p. 61, according to whom, Harpocr., p. 85,

must not be understood to assert that the first instance of the kind, after Ol. lxxxiii. 4, occurred Ol. xc. 2; comp. Plut. Pericl. c. 37; Schol. Aristoph. Vesp. 718.

15) And *δωροξενίας*: see Platner, Proc. and Kl. ii. p. 66, sqq.; Meier and Schöm. p. 347, sq.; A. Baumstark de curat. empor. et nautodicis apud Athen. (Frib. 1828), p. 75, sqq.

16) Demosth. Epist. iii. p. 1481. 18.

17) See, for instance, Demosth. adv. Leochar. p. 1091. 20; Harpocr. s. v. *Ποτάμιοι*.

18) See the law in Dionys. Hal. de Isæo, c. 16. t. v. p. 617, Rsk.: *Ἐξέτασιν γενέσθαι τῶν πολιτῶν κατὰ δήμους· τὸν δὲ ἀποψηφισθέντα ὑπὸ τῶν δημοτῶν τῆς πολιτείας μὴ μετέχειν· τοῖς δὲ ἀδίκως ἀποψηφισθεῖσιν ἔφεσιν εἰς τὸ δικαστήριον εἶναι, προσκαλεσαμένοις τοὺς δημότας· καὶ ἐὰν τὸ δεύτερον ἐξελεγχθῶσι, πεπράσθαι αὐτοὺς καὶ τὰ χρήματα εἶναι δημόσια.* Comp. Hudtwalcker v. d. Diäteten, p. 122; Platner, Proc. i. p. 424—426. —Is it to this Demosthenes refers, adv. Timocr. p. 741. 19: *οἱ τῆς ξενίας ἁλισκόμενοι μένουσιν ἐν τῷ οἰκήματι, ἕως ἂν τῶν ψευδομαρτυριῶν ἀγωνίσωνται*?

§. 124. But even the genuine Athenian citizen enjoyed his rights and immunities as such only so long as he continued *ἐπίτιμος*, that is, incurred no kind of *ἀτιμία*[1]; and here the distinction is to be observed between a total and an only partial *ἀτιμία*[2]. Total *ἀτιμία* was incurred by bribery, embezzlement, cowardice, perjury, neglect of parents[3], insults to public officers in the discharge of their duties[4], partiality in arbitration[5], prostitution[6], and similar cases; it excluded from all the attributes of citizenship[7]. By partial *ἀτιμία*, on the other hand, only particular rights were forfeited; a vexatious litigant, for instance, could be prohibited from instituting a particular suit[8]; public debtors were, in like manner, suspended only from exercising their rights of citizenship till they had discharged their obligations[9]. Our idea of dishonour is not applicable to these cases[10]; the term *ἄτιμος* strictly implying rather that the individual was politically dead, the state refusing to recognise him as within the pale of its laws[11]. This punishment, however, seldom extended beyond the person of the delinquent, affecting neither his property nor his family[12]; the fact that

protracted delay on the part of a public debtor, entailed confiscation of his property[13], and extended to his heirs after his death, was merely incidental to such cases[14]. The ἄτιμοι, properly so called, could not however be reinstated in their rights by any legal process, nor expect a public pardon[15]. Reinstatements of ἄτιμοι did indeed take place, but only in cases when danger was apprehended to the state from their numbers[16].

1) Hence the formula: ὁ βουλόμενος Ἀθηναίων, οἷς ἔξεστι, see Meier u. Schöm. p. 564. Any who were not so qualified required ἄδεια, see Boeckh's Publ. Œcon. ii. p. 127.

2) See Andoc. de Myster. c. 73—76, which is the chief authority, and particularly, in connection with it, Meier de bonis damn. p. 101—144. The latter is not however happy in his choice of the distinctions, *infamia maxima, media, minima:* see also Schömann de Com. p. 73—75; Wachsmuth, ii. 1. p. 243—248.

3) Andocides: Ὁπόσοι κλοπῆς ἢ δώρων ὤφλοιεν, τούτους ἔδει καὶ αὐτοὺς καὶ τοὺς ἐκ τούτων ἀτίμους εἶναι· καὶ ὁπόσοι λίποιεν τὴν τάξιν ἢ ἀστρατείας ἢ δειλίας ἢ ἀναυμαχίου ὤφλοιεν ἢ τὴν ἀσπίδα ἀποβάλοιεν ἢ τρὶς ψευδομαρτυριῶν ἢ τρὶς ψευδοκλητίας ὤφλοιεν, ἢ τοὺς γονέας κακῶς ποιοῖεν, οὗτοι πάντες ἄτιμοι ἦσαν τὰ σώματα, τὰ δὲ χρήματα εἶχον.

4) Ἐὰν ἐστεφανωμένον πατάξῃ ἢ κακῶς εἴπῃ, Demosth. Mid. c. 10. On the myrtle garland worn by the archons in token of the inviolability of their character, see Meurs. Lectt. Att. vi. 6; Corsin. F. A. i. p. 25. Hence στεφανηφόρος ἡ ἀρχή, Æschin. c. Tim. c. 9; στεφανοῦν, *magistratum facere*, Lysias in Evandr. c. 8: περιαιρεῖν τὸν στέφανον, *abrogare magistratum*, mosth. adv. Aristog. p. 802. 5; coll. adv. Theocr. p. 1330. 21, etc.

5) Ibid. c. 24; compare Hudtwalcker, pp. 19—31.

6) Ὁ κατεδηδοκὼς τὰ πατρῷα, ὁ ἑταιρηκώς, etc.; see Diogen. L. i. 55, with the note of Menage, and more in Meier, l. l. p. 130, as also on the γραφὴ ἀργίας. Comp. Platner's Proc. ii. p. 150, sqq.

7) Ἁπάντων ἀπεστέρηται τῶν ἐν τῇ πόλει καὶ καθάπαξ ἄτιμος γέγονε, says Demosth. Mid. c. 10; comp. adv. Aristog. p. 779. 6.

8) Ἄλλοι αὖ, proceeds Andocides, κατὰ προστάξεις, οἵτινες οὐ παντάπασιν ἄτιμοι ἦσαν, ἀλλὰ μέρος τι αὐτῶν, οἷον οἱ στρατιῶται, οἷς, ὅτι ἐπέμειναν ἐπὶ τῶν τυράννων ἐν τῇ πόλει, τὰ μὲν ἄλλα ἦν ἅπερ τοῖς ἄλλοις πολίταις, εἰπεῖν δ' ἐν τῷ δήμῳ οὐκ ἐξῆν οὐδὲ βουλεῦσαι· τούτων ἦσαν οὗτοι ἄτιμοι, αὕτη γὰρ ἦν τούτοις πρόσταξις. Ἑτέροις οὐκ ἦν γράψασθαι, τοῖς δὲ ἐνδεῖξαι, τοῖς δὲ μὴ ἀναπλεῦσαι εἰς Ἑλλήσποντον, ἄλλοις δ' εἰς Ἰωνίαν, τοῖς δ' εἰς τὴν ἀγορὰν μὴ εἰσιέναι πρόσταξις ἦν. Conf. Demosth. adv. Aristog. i. p. 783: πέντε ἐτῶν — ἐτιμήθη μὴ λέγειν αὐτῷ. On the loss of the right of prosecution, see ibid. p. 803. 15, and more below, chap. vi. part 3; compare Boeckh's Publ. Œcon. ii. p. 111, and Plat. de Legg. xii. p. 943, B.—Is Wachsmuth correct in making another distinction, ubi sup. p. 248?

9) Τὸν ὀφείλοντα τῷ δημοσίῳ μὴ πολιτεύεσθαι, comp. Petiti, Legg. iv. 9. 12. p. 464: Matthiæ, de judiciis Athen. p. 274, sq.; and on the subject at large, Boeckh's Publ. Œcon. ii. p. 124, sqq.

10) See Wachsm. i. 1. p. 167; being, according to Aristotle's definition, μὴ μετέχειν τῶν τιμῶν, Pol. iii. 3. 6, and 6. 3.

11) Even in private affairs; see Demosth. adv. Androt. p. 609. 21; adv. Nicostr. p. 1251. 10; Isæus de Aristarch. c. 20; comp. Lysias adv. Andoc. c. 24: εἴργεσθαι τῆς ἀγορᾶς καὶ τῶν ἱερῶν, ὥστε μὴ ἀδικούμενον ὑπὸ τῶν ἐχθρῶν δύνασθαι δίκην λαβεῖν. Hence οἱ ἄτιμοι τοῦ ἐθέλοντος, Plat. Gorg. p. 508. C. They however themselves in turn could not be indicted, as is evident from Demosth. Mid. c. 17.

12) See above, n. 3; but we sometimes meet with the sentence: ἄτιμον εἶναι καὶ παῖδας ἀτίμους καὶ τὰ ἐκείνου, Demosth. Mid. c. 32; adv. Aristocr. p. 640. 3; comp. also Leptin. p. 135, and Lysias pro Polystr. c. 34.

13) Andoc. l. l. c. 73: οἱ μὲν ἀργύριον ὀφείλοντες τῷ δημοσίῳ, ὁπόσοι εὐθύνας ὤφειλον ἄρξαντες ἀρχάς, ἢ ἐξούλας ἢ γραφὰς ἢ ἐπιβολὰς ὤφλον, ἢ ὧνας πριάμενοι ἐκ τοῦ δημοσίου μὴ κατέβαλον τὰ χρήματα, ἢ ἐγγύας ἠγγυήσαντο πρὸς τὸ δημόσιον, τούτοις ἡ μὲν ἔκτισις ἦν ἐπὶ τῆς ἐνάτης πρυτανείας, εἰ δὲ μή, διπλάσιον ὀφείλειν καὶ τὰ κτήματα αὐτῶν πεπρᾶσθαι: only however till payment of the debt, Demosth. adv. Bœot. de dote, p. 1014. 20. Compare at large, Platner's Proc. u. Kl. ii. p. 111—138.

14) Κληρονόμοι τῆς ἀτιμίας, comp. Demosth. adv. Androt. p. 603. 28; adv. Timocr. p. 762. 26, and especially adv. Theocrin. init.

15) See Demosth. adv. Mid. cc. 25, 26; and the law in Demosth. adv. Timocr. p. 715. Compare Platner's Proc. i. p. 443—446.

16) See Andoc. de Myster. c. 107; Xenoph. Hell. ii. 2. 11, with Schneider's note, and Spanheim ad Aristoph. Ran. v. 703.

PART II.

Of the Senate and the General Assembly of the People.

§. 125. Although every real Athenian citizen who was duly qualified and had attained his majority was, agreeably to the principles of a pure democracy, entitled as such to share in every description of power in the state, there was still a difference between participation in the general assemblies of the people and that active exercise of power to which he was called only by lot or election. It has already been observed, that an absolute democracy, not content with opening

all public offices and dignities to all its members, places the chief exercise of the judicial power, as well as the administration in general, directly in the hands of the whole body of the people; but, since elections and the despatch of important or urgent state affairs can not practically be carried on by the whole community, as such, individuals were annually elected for the purpose. These were essentially distinct[1] from mere public officers, and shown to be a direct manifestation of the sovereign power of the community[2] by their numbers, the capacity of being re-elected, their positive or relative irresponsibility, and particularly by the daily pay they drew from the public coffers. The courts of justice will be considered in the next division of this chapter; the council of the five-hundred[3] first claims attention here, inasmuch as it had the initiative in the deliberative power exercised by the community in its general assemblies[4]. This is seen in their receiving the despatches and messengers sent by generals[5], giving audience to foreign ambassadors[6], introducing them to the general assembly[7], and so forth; but especially in the circumstance that the people could not decree any measure which had not been previously sanctioned by them[8], nor entertain any which they had once rejected. On the other hand, decrees emanating solely from themselves expired with their date of office[9]. It is only on extraordinary occasions that we find this council invested with plenary absolute powers[10].

1) It was a rule respecting public officers (Demosth. adv. Timocr. p. 747. 5), *οὔτε εἰς τὴν αὐτὴν ἀρχὴν τὸν αὐτὸν ἄνδρα, οὔτε δύο ἀρχὰς ἄρξαι τὸν αὐτὸν ἐν τῷ ἐνιαυτῷ*, but the case of Demosthenes, who was in the senate Ol. cvi. 4 (adv. Mid. p. 552. 2) and Ol. cviii. 2 (Æschin. de Falsâ Legat, c. 5), shows that the office of senator might be held repeatedly. The exact import of the rule was *μὴ δὶς ἐχόθεν μισθοφορεῖν*, Dem. adv. Timocr. p. 739. 6.—On the pay, see above, §. 68. n. 7, and beside Boeckh as there quoted, Wachsm. ii. 1. p. 122—124. The treatise of J. F. Facius, über die Besoldungen der Staatsdiener bei den Griechen und

Römern, in his Collectaneen zur Gr. u. R. Alterthumskunde (Coburg, 1811), p. 100, sqq., is very unsatisfactory.

2) Improperly called *ἀρχὰς* by many writers, as by Xenoph. Rep. Ath. i. 3: *ὁπόσαι δ' εἰσὶν ἀρχαὶ μισθοφορίας ἕνεκα καὶ ὠφελείας εἰς τὸν οἶκον, ταύτας ζητεῖ ὁ δῆμος ἄρχειν*: Plat. de Legg. vi. p. 766. B. sqq. Comp. especially, p. 768. C.: *περὶ δικαστήρια, ἃ δὴ φαμεν οὐθ' ὡς ἀρχὰς οὐθ' ὡς μὴ ῥᾴδιον εἰπόντα ἀναμφισβητήτως εἰρηκέναι*, and Aristot. Polit. iii. 1. 4, 5, coll. c. 6. 12; on the subject at large, see my Dissertatio de jure magg. p. 32—35; and also Heeren's Res. Greece, p. 137, sqq.

3) See above, §. 108, n. 1—3; §. 111, n. 2, 3.

4) See, on the subject at large, Sigonius de Rep. Ath. ii. 3; Petiti Legg. iii. 1. p. 266—300; Tittmann, p. 240—251; Platner's Proc. u. Kl. i. p. 38—65.

5) For instance, Xenoph. Hell. i. 7. 3.

6) Platner, ubi sup. p. 58.

7) Æschin. de Falsa Legat. c. 16: *ταῖς δὲ ξενικαῖς πρεσβείαις ἡ βουλὴ τὰς εἰς τὸν δῆμον προσόδους προβουλεύει.*

8) *Προβουλεύεσθαι*, comp. Petiti Legg. ii. 2. 2. p. 198; Hüllmann's Staatsr. p. 307; Schömann, p. 95—100; Tittmann, p. 176, sq. Only at a later period, it appears, *ὅτι ἔθος ἐκράτησεν ἀπροβούλευτον ψήφισμα εἰσάγεσθαι ἐν τῷ δήμῳ*, Arg. Dem. adv. Androt. p. 592. 5, comp. Luzac, de Socr. cive, p. 107.

9) Demosth. adv. Aristocr. p. 651. 17: *ὁ νόμος ἐπέτεια κελεύει τὰ τῆς βουλῆς εἶναι ψηφίσματα*, with Platner, Proc. ii. p. 25, sq.—Compare C. Inscr. No. 82. l. 18, with my critique of the same in the Hiedelb. Jahrb. 1827, p. 1009.

10) *Βουλὴ αὐτοκράτωρ* (Andoc. de Myster. c. 15), or *κυρία* (Demosth. de Falsa Legat. p. 389. 16); comp. Platner, i. p. 357.

§. 126. The administrative functions of this council[1] consisted in a general superintendence of all public officers[2], and the several branches of the government, especially the financial department[3], which was exclusively in its hands, as far as regarded the ordinary sources of the revenue, and was managed with great severity; although, by the terms of the oath taken by members of the council, no citizen was to be arrested who could procure three securities of his own class. The farmers of the revenues were excluded from this privilege, together with persons guilty of high treason[4]; for, before the extension of the power of Athens had opened new sources of revenue, at the same time that

it rendered extraordinary contributions occasionally necessary[5], the ordinary resources of the state were limited to the produce of the public lands[6] and mines[7], together with the tolls and customs[8], the taxes paid by resident aliens[9], the fines and forfeits from the courts of law[10], and confiscations[11]. Of these last we shall have to speak more particularly below, all the others were yearly let by the council[12] to contractors, who undertook to collect them[13], and who, with their securities, were, in case of defalcation, exposed to the utmost severity of the laws respecting public debtors[14]. For its conduct in this department the council was of course responsible, but apparently in no other particular[15], unless the forfeiture of stipend[16], which seems to have been in some cases imposed by law[17], and the occasional expulsion of unworthy members by their colleagues[18], be considered as grounds for further exceptions in this particular.

1) Xenoph. Rep. Ath. iii. 2, is not sufficiently positive: *τὴν δὲ βουλὴν (δεῖ) βουλεύεσθαι πολλὰ μὲν περὶ πολέμου, πολλὰ δὲ περὶ πόρων χρημάτων, πολλὰ δὲ περὶ νόμων θέσεως, πολλὰ δὲ περὶ τῶν κατὰ πόλιν ἀεὶ γιγνομένων, πολλὰ δὲ καὶ τοῖς συμμάχοις, καὶ φόρον δέξασθαι καὶ νεωρίων ἐπιμεληθῆναι καὶ ἱερῶν. Ἆρα δή τι θαυμαστόν ἐστιν, εἰ τοσούτων ὑπαρχόντων πραγμάτων μὴ οἷοί τ' εἰσὶ πᾶσιν ἀνθρώποις χρηματίσαι;*

2) For instance, Antiph. de Choreuta, c. 49.

3) Comp. Boeckh's Publ. Œcon. i. p. 207, sqq. On the several public officers, see below, part. iv.

4) Demosth. Timocr. p. 745. 11: *οὐδὲ δήσω Ἀθηναίων οὐδένα, ὃς ἂν ἐγγυητὰς τρεῖς καθιστῇ τὸ αὐτὸ τέλος τελοῦντας· πλὴν ἐάν τις ἐπὶ προδοσίᾳ τῆς πόλεως ἢ ἐπὶ καταλύσει τοῦ δήμου συνιὼν ἁλῷ, ἢ τέλος τι πριάμενος ἢ ἐγγυησάμενος ἢ ἐκλέγων μὴ καταβάλλῃ.* Comp. Andoc. de Myster. c. 93, and more in Petiti, Legg. p. 272; Tittmann, p. 206.

5) On these, below, chap. vii.—The general division of the Athenian revenues by Sigonius (R. A. iv. 3. p. 541. 30), and after him by Ubbo Emmius and others, was into *τέλη, τιμήματα, φόροι*, and *εἰσφοραί*; comp. Aristoph. Vesp. 677, and for further details see Boeckh's Publ. Œcon. iii. and iv.; also Tittmann, p. 38—53, and Wachsm. ii. 1. p. 99, sqq.; 128, sqq.

6) *Τεμένη, ἱερὰ, οἰκίαι*, Xenoph. Vectig. iv. 19.

7) On these see Boeckh on the silver mines of Attica, in the Abh. d. Berl. Acad. 1814, 15, p. 111—120. The state let them out to contractors for one twenty-fourth part of the annual produce.

8) Especially the *πεντηκοστή*, Meurs. Lectt. Att. v. 28.—Had they also excise duties, *ἐπώνιον*? Comp. Boeckh, Publ. Œcon. ii. p. 37, and Heeren's Res. Greece, p. 180.

9) See above, §. 115. n. 6.—Hence too the *πορνικὸν τέλος*, Boeckh, p. 313; comp. Salmas. Misc. Defens. p. 530.

10) *Τιμήματα* and *πρυτανεῖα*, etc. See part iii.

11) *Δεδημοσιευμένα*, *δημιόπρατα*, see Boeckh, ii. p. 127, sqq., and especially M. H. E. Meieri Historiæ juris Attici de bonis damnatorum et fiscalium debitorum, libri ii. (Berl. 1819), p. 160, sqq.

12) *Τελώναι*, comp. Salmas. de foen. trapez. p. 243; Des. Herald. Obss. ad J. A. et R. p. 186, sqq. There were companies under the direction of an *ἀρχώνης*. Sluiteri lectt. Andoc. (adv. Alcib. c. 133), p. 158. For a more detailed account see Boeckh, Publ. Œcon. ii. init., and C. L. Blum, Prolegg. ad Demosth. Orat. Timocr. (Berl. 1823), p. 32, sqq.; also Göttling, in the Hermes, xxiii. p. 118.

13) *Ἐκλέγειν*, see Æsch. adv. Timarch. c. 48, and more in Hemsterh. ad Lucian. Charon. c. 11, t. i. p. 504; Schæf. ad Demosth. ii. p. 311.

14) See above, §. 124. n. 13; and Petiti, Legg. iv. 10. p. 471, sqq. This severity was, in course of time, extended to analogous cases, (*προσκαταβλήματα*); see Demosth. adv. Timocr. p. 730. 25: *ἔστιν ὑμῖν κύριος νόμος, καλῶς εἴπερ τις καὶ ἄλλος κείμενος, τοὺς ἔχοντας τὰ τε ἱερὰ καὶ τὰ ὅσια χρήματα καταβάλλειν εἰς τὸ βουλευτήριον, εἰ δὲ μή, τὴν βουλὴν αὐτοὺς ἐκπράττειν τοῖς νόμοις χρωμένην τοῖς τελωνικοῖς*, κ. τ. λ. with the Argum. p. 696. 3.

15) Nothing more is implied by Æschin. adv. Ctes. c. 6. Comp. de jure magg. p. 47.

16) *Δωρεά*, Æschin. adv. Timocr. c. 45; was it really a garland? see Wachsm. i. 2. p. 35. *Στεφανοῦν* often means only *τιμᾶν*, see Hemsterh. ad Aristoph. Plut. p. 265; Wessel, ad Diodor. i. p. 684.

17) *Μὴ ποιησαμένην τὴν βουλὴν τὰς τριήρεις* (Plut. Them. c. 4) *μὴ αἰτεῖν δωρεάν*, Arg. Dem. adv. Androt. p. 588. 25.

18) By the Ecphyllophoria; see Æschin. l. c., and more in Meurs. Lectt. Att. iii. 19; Meier, de bonis, p. 83, sq.

§. 127. The council met every day[1], festivals excepted, in the senate-house[2]; but, that the state might never be at any moment without a supreme court[3], the ten Phylæ, from which the council was elected, undertook in regular order of succession, which they determined by lot[4], the business of the Prytaneia[5], each for the space of 35 or 36 (in intercalary years, 38 or 39) days[6]. Out of each of these assemblies of 50, one individual being next elected president, *ἐπιστάτης*, by lot[7], was entrusted with the keys of the treasury and archive office[8], and with the state seal. Originally he presided

in both the council and the general assembly, till the presidency of the latter was assigned to nine *πρόεδροι*, appointed by himself, one out of each of the other nine Phylæ, so that, in the case of public assemblies, the acting Prytanes had merely to summon them[9]. The real duty of the Prytanes was to be constantly at hand to act with authority in the occurrences of the day[10], which serves to explain[11] their intervention in many cases, which would seem more properly to belong merely to police. For this purpose they remained nearly all day[12] in the Prytaneum[13], dining there at the public cost[14], in company with the *ἀείσιτοι*, those, that is to say, to whose office this privilege was annexed[15]. Foreign ambassadors and meritorious citizens were also occasionally entertained there as public guests[16]. Every Prytany had its own clerk or secretary, who was elected by lot, and from a different Phyle from that of the acting Prytany; in course of time we find another elected from amongst the members of each Prytany itself; a third, the public clerk[17], was, it seems, appointed by the people at large, and is not to be confounded with the two just mentioned, who were called under and counter, or checking clerks[18].

1) Poll. viii. 95: *οἱ πρυτάνεις τὴν βουλὴν συνάγουσιν ὀσημέραι πλὴν ἂν ἀφετός τις ᾖ*, (of which see an instance in Demosth. adv. Timocr. p. 708. 13), their number was considerable; Xen. R. A. iii. 2 and 8; comp. Boeckh's Publ. Œcon. i. p. 310. The *dies atri*, *ἀποφράδες*, i. q. *πρὸς πράξεις ἀνεπιτήδειοι*, were also excepted, see Ast. ad Plat. de Legg. p. 357, and Boisson. ad Marin. v. Procl. p. 106; comp. at large Schömann, pp. 49, 50.

2) *Βουλευτήριον*, see Meursii Ceramicus geminus (Traj. 1663), c. 6; J. G. Hauptmann de Andocide, p. 594, sq. t. viii. ed. Reiske, and Leake's Topogr. p. 96. On the *θεοὶ βουλαῖοι* and the *εἰσιτήρια* (Dem. Mid. c. 32), see Antiph. de Chor. c. 45, and more in Boeckh. ad C. Inscr. i. p. 671. Their sittings appear to have been public; Demosth. de Fal. Legat. p. 346. 18: *τὸ γὰρ βουλευτήριον μεστὸν ἦν ἰδιωτῶν*: comp. adv. Aristog. i. p. 776. 18; Æschin. adv. Ctesiph. c. 39.

3) See Libanius, Arg. Dem. adv. Androt. p. 590. Hüllmann, Staatsr. p. 185—194.

4) See Corsini Fast. Att. i. p. 176—185, coll. Boeckh. C. Inscr. p. 234,

and Clinton's F. H. ii. p. 344, sqq. It is expressly asserted by the Schol. on Aristoph. Eccles. 396.

5) Hence called the *φυλὴ πρυτανεύουσα*, quite distinct from the *φυλὴ προεδρεύουσα* (Æschin. adv. Ctesiph. c. 1; Demosth. adv. Aristog. i. p. 797. 15), comp. Æschin. adv. Timarch. c. 14, and Schöm. p. 88. G. sqq.

6) See Suidas, s. v. *πρυτανεία*, and more in Schömann, p. 33, sqq., who has corrected preceding writers on the subject in many essential particulars, especially the calculations of Petit. LL. AA. p. 271, sqq. On the Athenian year consult J. J. Scalig. de emend. Tempp. (Col. Allobr. 1629), lib. ii. p. 61—92; and his opponent Petavius, Doctr. Tempp. (ed. Harduin, Veronæ, 1732), lib. i. c. 1—24; ii. c. 1—20; also Petit, de anno Attico (in his Miscellanea, c. viii.; and Eclogæ Chronologicæ, Paris, 1632); Gron. Thes. t. ix.; Dodwell, de Cyclis Diss. i—iii., and Corsini Fast. Att. i. p. 51—111, especially L. Ideler's Handbuch der mathem. und technischen Chronologie (Berlin, 1825), i. p. 266—362, and Clinton, F. H. ii. p. 324—348. The months came in the following order: Hecatombæon, Metagitnion, Boëdromion, Pyanepsion, Mæmacterion, Posideon, Gamelion, Anthesterion, Elaphebolion, Munychion, Thargelion, Sciropho-rion. Petavius (i. c. 10), Dodwell (ii. p. 69), Corsini, and their adherents, are wrong in following Gaza, who places Mæmacterion before Pyanepsion, comp. Scalig. l. c. p. 31; Salmas. Exercitt. Plin. t. i. pp. 314 and 752; Barthélemy in Mém. de l'Acad. des Inscr. t. xlviii. p. 395—400; Buttmann's appendix to Ideler's Histor. Unters. über. der astron. Beobacht. d. Alten (Berlin, 1806), p. 383, sqq.; Clinton, ubi sup. p. 326, 331; Boeckh. ad C. Inscr. i. p. 482.—The months contained alternately 30 and 29 days, *μὴν πλήρης* and *μὴν κοῖλος*; in order to keep pace with the solar year it was customary to insert an intercalary month (*μὴν ἐμβολιμαῖος*), after Posideon, so that originally the Athenian year began with the *Bruma*, in Gamelion, and not, as in classical times, at the summer solstice, with the Olympic year. Comp. Dodwell, Diss. i. §. 6, and Corsini, l. c. p. 91, sqq., whose conjecture, however, that Hecatombæon did not begin the year till the adoption of Meton's cycle, (Ol. lxxxvii. 1, B. C. 432, *ἐπὶ Πυθοδώρου ἄρχοντος*, see Thuc. ii. 2), has been questioned on good grounds, first by Fréret, in the Mém. de l'Acad. des Inscr. t. xxvi. p. 163, sq.; next by Boeckh, de pugna Marathonia, in the Ind. Lectt. æst 1816, then by Ideler, Handbuch, p. 286—292, and lastly by Clinton, F. H. ii. p. xvi—xxiii. In fact, it can scarcely be imagined that so complicated a system was ever used in common life, (see Petav. ii. cc. 10, 13; Dodwell, i. §. 32; Schömann, de Com. p. 34), although Ideler (i. p. 318, sqq.) is most positive that it was.

7) Xenoph. Mem. Socr. i. 1. 18; iv. 4. 2; coll. Plat. Apol. Socr. p. 32. A.; Gorg. p. 474. A. Also called *ὁ πρύτανις*, by way of distinction, as in Thucyd. vi. 16, and Demosth. adv. Timocr. p. 376. 3: *ἐστὶν ὅστις ἂν ἡ Πρόεδρός ποτ' ἐπεψήφισεν ἢ Πρύτανις τούτων τι;*

8) The archives were preserved in the temple of the mother of the gods, the *Μητρῷον*; see Pausan. i. 3. 4, and more in Meurs. Lectt. Att. i. 11; Boeckh. Publ. Œcon. ii. p. 143; Schömann, p. 129.

9) Poll. viii. 26: *ὁ δὲ ἐπιστάτης καλούμενός ἐστιν εἷς τῶν πρυτάνεων ὁ κλήρῳ λαχών, ὃς δὲ οὐκ ἔξεστι γενέσθαι τὸν αὐτὸν ἐπιστάτην. Ἔχει δὲ οὗτος τὰς κλεῖς τῶν ἱερῶν, ἐν οἷς τὰ χρήματα καὶ τὰ γράμματα, καὶ ὅταν οἱ πρυτάνεις τὸν δῆμον ἢ τὴν βουλὴν συνάγωσιν, οὗτος ἐξ ἑκάστης φυλῆς πρόεδρον ἕνα κληροῖ, μόνην τὴν πρυτανεύουσαν ἀφείς.* Comp Aristot. ap. Harpocr. s. v., and Telephus ap. Eustath. ad Odyss. xvii. 455; p. 1827. 50, and the other authorities quoted by Neum. ad Aristot. Fragm.

p. 75, from whom it would appear that another Epistates was elected by lot from among the Proedri. The common formula, however, was simply, *τῶν προέδρων ἐπεψήφισεν ὁ δεῖνα*, which first occurs in Demosth. adv. Timocr. p. 723. 11, and afterwards is common in inscriptions. Comp. C. Inscr. nn. 90, 96, 105, 111, 124; and, on the subject at large, Sigon. Rep. Ath. ii. 3. and 4; and Corsini Fast. Att. i. p. 260—288, who, however, with Petav. Doctr. Tempp. ii. 1; Petit and others, following Libanius, l. c., assumes that there were, besides the above mentioned *proedri non contribules* ten others called *contribules*, being chosen from the *φυλὴ πρυτανεύουσα* itself; each of these, according to the authors just referred to, presided for seven days, and elected the Epistates for the time from their number. Comp. also J. T. Krebsius, in his Decretum Atheniensium in honorem Hyrcani factum (from Joseph. Antiq. xiv. 16), (Lips. 1751, and reprinted in his Decreta Romanorum pro Judæis, Lips. 1768), p. 376—384. Dodwell, de Cyclis, iii. §. 40; Luzac, de Epistatis ac Proëdris Atheniensium, in his Or. de Socr. cive, p. 92—123, and Schömann de Com. p. 83. F.—90. G., who is followed by Tittmann, p. 169—173, go still further, and agree in referring to these *contribules*, alone, all that the orators of classical times say concerning Proedri, so that the change noticed in the text was first made, according to them, about Ol. cxviii. Boeckh has since, in the C. Inscr. i. p. 130, asserted more precisely that it occurred between Ol. cviii. and cxii. Conf. ibid. p. 153. As, however, on the one hand, Demosth. Mid. cc. 3. 4, seems rather to show that the Proedri were even then on the same footing with the Prytanes, and, on the other, nothing can be inferred from the collation of Æschin. de Falsa Leg. c. 25, and Demosth. pro Cor. p. 235, owing to the doubtful authority of the decree (see Spengel. über der sog. Pseudeponymi in Demosth. Rede für Ktesiphon, in the Rh. Mus. ii. p. 382), which belongs probably to a very different æra, (see Boeckh, über die Pseudeponymi in the Abh. d. Berl. Acad. v. 1827, p. 19, sqq.; Vœmel, Prolegg. ad Demosth. de Pace, p. 259; Winiewski, Comm. Hist. et Chronol. in Dem. de Cor. p. 316—326), this change must be placed as far back as the archonship of Euclides, and even the existence of these *Proedri contribules* becomes again extremely doubtful. Göttling's hypothesis, in the Hermes, xxiii. p. 113, that the *non contribules* were eligible from the whole body of the people indiscriminately, needs no refutation. See Schömann, p. 93, F.

10) See, for instances, Demosth. pro Cor. p. 284. 21, and comp. Plat. de Legg. vi. p. 758. C.; also Athen. v. 1.

11) Aristoph. Equ. 301; Thesmoph. 770; coll. 935, sqq. Hence probably is to be explained the *ἀπαγωγὴ πρὸς τοὺς πρυτάνεις*, Argum. Demosth. adv. Aristog. p. 767. 4; (comp. the oath quoted in Andoc. de Myster. c. 91; Demosth. adv. Timocr. p. 746. 1); and the *ἀπογραφῆναι εἰς τὴν βουλὴν κακουργοῦντα*, Isæus de Nicostr. c. 28, which properly was the business of the *ἑνδεκα*. Meier and Schömann, Att. Proc. p. 120, sqq., and 237, sqq., are very indistinct on the subject.

12) And even, on emergencies, by night; see Andoc. de Myster. c. 45.

13) Properly called the *θόλος* or *σκιὰς*, refectory, Athen. iv. 19, and not to be confounded with the old Prytaneum (mentioned §. 101. n. 5; §. 104. n. 16); comp. Pausan. i. 5. 1; Poll. viii. 155; and more in Meurs. Ceram. gemin. c. 7; Van Dale, Diss. ii. p. 211; Stephani Thes. s. v.

14) See, for instance, Demosth. de F. Leg. p. 400. 20, and Hüllmann, Anf. p. 235; and comp. Plut. Vit. Cimon. c. 1.

15) See Corsini Fast. Att. ii. p. 145—154; Boeckh. ad C. Inscr. i. n. 184—201; particularly p. 322—327. The chief were, *ἱεροφάντης*, *δα-*

δοῦχος, ἱεροκήρυξ, ὁ ἐπὶ βωμῷ: and the *κήρυξ τῆς βουλῆς καὶ τοῦ δήμου, γραμματεὺς τῆς β. κ. τ. δ., ἀντιγραφεύς, ὁ περὶ τὸ βῆμα, ὑπογραμματεὺς, ὁ ἐπὶ Σκιάδος, γραμματεὺς κατὰ πρυτανείαν, κ. τ. λ.*

16) Pollux, ix. 40: *πρυτανεῖον καὶ ἑστία τῆς πόλεως, παρ' ᾗ ἐσιτοῦντο οἵ τε κατὰ δημοσίαν πρεσβείαν ἥκοντες καὶ οἱ διὰ πρᾶξιν τινὰ σιτήσεως ἀξιωθέντες καὶ εἴ τις ἐκ τιμῆς ἀείσιτος ἦν.* Comp. Aristoph. Acharn. 125; Demosth. Falsa Legat. p. 350. 24; adv. Polycl. 1210. 22; also, at large, Schömann, p. 335; Wachsm. i. 2. p. 34; and Solon's enactments, given in Plut. c. 24; Athen. iv. 14.—Hence the expression, *ἐκδοῦναι ἐκ Πρυτανείου*, Plut. Vit. Aristid. c. 27. See, further, A. Westermann, de publicis Atheniensium honoribus ac præmiis (Lips. 1830), p. 45—48.

17) Poll. viii. 98: *Γραμματεὺς ὁ κατὰ πρυτανείαν κληρωθεὶς ὑπὸ τῆς βουλῆς, ἐπὶ τῷ γράμματα φυλάττειν καὶ τὰ ψηφίσματα· καὶ ἕτερος ἐπὶ τοὺς νόμους ὑπὸ τῆς βουλῆς χειροτονούμενος· ὁ δὲ ὑπὸ τοῦ δήμου αἱρεθεὶς γραμματεὺς ἀναγιγνώσκει τῷ τε δήμῳ καὶ τῇ βουλῇ.* See, at large, Sigonius, iv. 3; Meurs. Lectt. vi. 25; Petiti Legg. p. 342, sqq.; Spanheim, de Usu et Præst. Numm. ix. p. 704, sqq. t. i.; Van Dale, Diss. v: p. 425, sqq.; Krebs. ad Decr. Athen. l. c. p. 358—362; Schöm. de Com. p. 318—321; Osann, Syll. Inscr. p. 132; Boeckh, Publ. Œcon. i. p. 247, sqq.; but more particularly ad C. Inscr. i. pp. 120, 148. Wachsm. ii. 1. p. 436, sqq., is unsatisfactory.

18) Demosth. Falsa Legat. p. 419. 24: *ὑπογραμματεύοντες δὲ οὗτοι καὶ ὑπηρετοῦντες ἁπάσαις ταῖς ἀρχαῖς ἀργύριον εἰλήφεσαν, καὶ τὸ τελευταῖον ὑφ' ὑμῶν γραμματεῖς χειροτονηθέντες δύο ἔτη διετράφησαν ἐν τῇ θόλῳ.* Comp. Bekk. Anecdd. p. 185: *γραμματεὺς ὁ ἀναγινώσκων τῇ βουλῇ καὶ τῷ δήμῳ τὰ προστεταγμένα κατὰ χρόνους ἠλλάσσετο· ὁ δὲ καταγραφόμενος τὰ ἐν τῇ βουλῇ γινόμενα ἀντιγραφεὺς ἐλέγετο.* See more in Neumann ad Aristot. Fragm. p. 66, and on the *ὑπογρ.* see Osann, p. 277; comp. also, de jure magg. p. 51.

§. 128. Four general assemblies[1] were, in the regular order of affairs[2], held during the presidency of each Prytany[3]: the first, called *κυρία*[4], was for the consideration of complaints against public officers, and the receiving reports of cases of confiscation and inheritance; the second was to hear petitions; the third to give audience to foreign ambassadors. The Strategi[5] had the power of calling extraordinary assemblies[6], as well as the Prytanies; on important occasions the rustic population were sometimes especially invited to attend[7]. They were summoned by heralds, and, when time allowed, by *programmes*, announcing the subject to be considered in the meeting[8]. These assemblies were usually held in the Pnyx, at the foot of the hill Lycabettus, subsequently, as in most other Greek democracies, the theatre[9], which originally was

used for the purpose only on special or extraordinary occasions[10], was preferred for the ordinary place of meeting. Six officers, calling Lexiarchs, took care that no unqualified person entered, and that no citizen left the meeting; for this purpose the approaches to it were barred[11], and all business suspended in the market and elsewhere; whoever came too late forfeited the ecclesiast's fee, which was paid by the Thesmothetæ. This fee, which was originally but one obol, was raised to three by Agyrrhius, about Ol. xcvi. 3[12].

1) Ἐκκλησίαι: the old name ἀγοραὶ came to denote only the assemblies of the Phylæ and Demi; see Æschin. adv. Ctesiph. c. 8; Boeckh. ad C. Inscr. i. p. 125.

2) Νόμιμοι or ἔννομοι, comp. Dorv. ad Charit. p. 212 (ed. Lips.)

3) Pollux, viii. 95: *τὸν δὲ δῆμον (συνάγουσιν οἱ πρυτάνεις) τετράκις ἑκάστης πρυτανείας, καὶ προγράφουσι . . ὑπὲρ ὧν δεῖ χρηματίζειν· τῶν δ' ἐκκλησιῶν ἡ μὲν κυρία, ἐν ᾗ τὰς ἀρχὰς ἐπιχειροτονοῦσιν, εἴπερ καλῶς ἄρχουσιν, ἢ ἀποχειροτονοῦσιν· ἐν ᾗ καὶ τὰς εἰσαγγελίας ὁ βουλόμενος εἰσαγγέλλει, καὶ τὰς ἀπογραφὰς τῶν δημοσιευομένων ἀναγινώσκουσιν οἱ πρὸς ταῖς δίκαις, καὶ τὰς λήξεις τῶν κλήρων. Ἡ δὲ δευτέρα ἐκκλησία ἀνεῖται τοῖς βουλομένοις ἱκετηρίαν θεμένοις* (comp. Schömann de Com. p. 332, sqq.) *λέγειν ἀδεῶς περί τε τῶν ἰδίων καὶ τῶν δημοσίων· Ἡ δὲ τρίτη κήρυξι καὶ πρεσβείαις ἄξιοῖ χρηματίζειν, οὓς δεῖ πρότερον τοῖς πρυτάνεσιν ἀποδοῦναι τὰ γράμματα. Ἡ δὲ τετάρτη περὶ ἱερῶν καὶ ὁσίων.* Comp. Sigonius, ii. 4. According to Ulpian ad Demosth. Timocr. t. v. p. 227. B., ed. H. Wolf., on the eleventh, twentieth, and thirtieth of every month, on which fact Petit, p. 276, sqq., endeavours to frame a kind of calendar, but see Schömann, p. 43, sqq.

4) See the quotations in Neumann ad Aristot. Fragm. p. 85; Schömann, p. 29, sqq., and Wachsm. i. 1. p. 258, conjecture, with great probability, that these were at first the only regular assemblies. On the *εἰσαγγελία* see §. 133, on the *ἐπιχειροντονία*, below, part iv.

5) See Thucyd. ii. 59, and more in Tittmann, p. 168.

6) Σύγκλητοι, Demosth. de Falsa Legat. p. 378. 26; Æschin. F. L. c. 20. Comp. Petit. 286.

7) Κατακλησίαι, Valck. ad Ammon. p. 71.

8) Προγράψαι or *προθεῖναι ἐκκλ.*, Æschin. de Falsa Legat. c. 17; was it requisite that this should take place five days before the assembly was held (*πρὸπεμπτα*, Bekk. Anecd. p. 298. 8)? See, on the subject at large, Schömann, p. 58, sqq., and on the *πρόγραμμα* in particular, Demosth. adv. Aristog. i. p. 772. 15; comp. Platner's Proc. i. p. 353.—Consult, also, Hemsterhus. ad Lucian. Necyom. c. 19. t. i. p. 482; and the Schol. on Aristoph. Thesmoph. 278: *ὅτε ἔμελλε γενέσθαι ἐκκλησία, σημεῖον ἐτίθετο*: comp. Schöm. p. 149—154, and the Roman custom mentioned in Dio Cass. xxxvii. 28.

9) Poll. viii. 132: *ἐνεκκλησίαζον δὲ πάλαι μὲν ἐν τῇ Πνυκί . . . .*

αὖθις δὲ τὰ μὲν ἄλλα ἐν τῷ Διονυσιακῷ θεάτρῳ, μόνας δὲ τὰς ἀρχαιρεσίας ἐν τῇ Πνυκὶ. Comp., at large, Schömann, p. 52—57, and on the situation and remains of the Pnyx, Leake's Topogr. p. 131—133; on that of the theatre, ibid. p. 141—147. On the etymology of the word (*πυκνός*?), see Rutger's Var. Lectt. v. 1; Bremi ad Æschin. adv. Ctesiph. c. 9; Poppo ad Thucyd. t. i. part ii. p. 248.

10) See, for instance, Demosth. Mid. c. 3; and comp. Thucyd. viii. 93: *ἐς τὸ πρὸς τῇ Μουνυχίᾳ Διονυσιακὸν θέατρον ἐλθόντες . . ἐξεκλησίασαν*, which, however, Boeckh, in the Abh. d. Berl. Acad. v. 1817, p. 74, considers to have been one and the same with that in the Piræus, where extraordinary assemblies were sometimes convened. See Schömann, p. 56, whose verb *ἐξεκκλησιάζειν*, is, however, rejected by Buttmann ad Demosth. Mid. c. 52, and Krüger ad Dionys. Hal. Histor. p. 387. Comp. also Schæfer's App. ad Dem. t. ii. p. 345.

11) *Γέρρα* (Demosth. de Cor. p. 284. 24; adv. Neær. p. 1375. 20) *σχοινίον μεμιλτωμένον*, etc. See the Schol. Aristoph. Acharn. 22, and more in Schöm. p. 63, sq.; Schubert de Ædil. p. 117.

12) See Aristoph. Eccles. 284, 315, 404; and, on the subject at large, Boeckh's Publ. Œcon. i. p. 294, sqq.; Schöm. p. 65—69.

§. 129. The meeting was opened by a lustration and prayer[1], after which the presidents proposed the subjects to be considered[2]; if these, as was regular, had been already approved by the senate, it was first put to the vote whether the people should abide by that decision, or take the matter into further consideration[3]. In the debate any one might speak; the regulation, according to which the herald first called on the citizens who were above fifty, soon fell into disuse[4]; there is as little ground for supposing that there was any restriction respecting the age of speakers[5], as that orators were selected and specially authorised to conduct every debate[6]. Nothing but *ἀτιμία* deprived of the right of speaking, and all the cases in which the qualifications of a speaker were disputed, will be found to be comprised under it[7]. The regulation, that an orator should be a married man and parent, and proprietor of landed property[8], extended, at the utmost, only to the professional orators[9], who, as appeared from the principles of democracy already explained, made it their business to direct the councils of the people[10], and especially to propose measures[11], which,

if approved by the people, were usually designated by their names. Perfect freedom of speech was allowed, and every orator, in token that his character was inviolable, wore a crown whilst speaking[12]. The presidents, *πρόεδροι*, alone, might interfere to check casual disturbances, calling in, if requisite, the assistance of the body of Scythians who acted as police[13]: they might also fine the orator to the amount of fifty drachmæ[14]. Before any measure could be put to the vote, it was requisite that the *πρόεδροι* and *νομοφύλακες*[15], who conjointly took the votes, should themselves assent to it[16]; any refusal on their part[17] was, however, attended, to say the least, with great personal risk[18].

1) Æschin. adv. Timarch. c. 11: *ἐπειδὰν τὸ καθάρσιον περιενεχθῇ καὶ ὁ κήρυξ τὰς πατρίους εὐχὰς εὔξηται, προχειροτονεῖν τοὺς πρύτανεις περὶ ἱερῶν τῶν πατρίων καὶ κηρύκων καὶ πρεσβέων καὶ ὁσίων. Καὶ μετὰ ταῦτα ἐπερωτᾷ ὁ κήρυξ· τίς ἀγορεύειν βούλεται τῶν ὑπὲρ πεντήκοντα ἔτη γεγονότων; ἐπειδὰν δὲ οὗτοι πάντες εἴπωσι, τότ' ἤδη κελεύει λέγειν τῶν ἄλλων Ἀθηναίων τὸν βουλόμενον, οἷς ἔξεστι.* See more, on the subject at large, in Petit p. 288—294; Schömann, p. 91—95; Tittmann, p. 182—188. and on the *περιστίαρχοι* Siebel. ad Istri Fragm. p. 65.

2) *Χρηματίζειν*, see Morus ad Isocr. Paneg. c. 42.

3) Harpocration, p. 257: *προχειροτονία*. Comp. Demosth. adv. Timocr. p. 703. 19.

4) Æschin. adv. Ctesiph. c. 1; Thrasym. Fragm. ap. Dionys. Hal. de Demosth. t. vi. p. 960. Rsk.

5) According to the Schol. Aristoph. Nubb. v. 510: *νόμος ἦν Ἀθηναίοις μήπω τινὰ ἐτῶν Λ γεγονότα μήτε ἐρᾶμα ἀναγινώσκειν ἐν θεάτρῳ μήτε ἐκμηγορεῖν.* Compare on the other hand, Clinton's F. H. ii. p. lvii.

6) As is asserted by Sigonius, iv. 6, and especially by Petit, iii. 3. p. 344—349.; also Meinek. ad Menandr. p. 89. Comp. however Herald. Obss. ad J. A. et R. p. 473. and for details consult Schömann de Com. p. 107—112.

7) Æschin. adv. Timarch. c. 13: *Ἐάν τις λέγῃ ἐν τῷ δήμῳ τὸν πατέρα τύπτων ἢ τὴν μητέρα ἢ μὴ τρέφων ἢ μὴ παρέχων οἴκησιν ἢ τὰς στρατείας μὴ ἐστρατευμένος ὅσαι ἂν αὐτῷ προσταχθῶσιν ἢ τὴν ἀσπίδα ἀποβεβληκώς, ἢ πεπορνευμένος ἢ ἠταιρηκὼς ἢ τὰ πατρῷα κατεδηδοκὼς ἢ ὧν ἂν κληρονόμος γένηται, δοκιμασίαν ἐπαγγειλάτω Ἀθηναίων ὁ βουλόμενος, οἷς ἔξεστιν.* Compare §. 124. n. 3—6. and Meier u. Schöm. att. Proc. p. 209—214; Wachsm. i. 1. p. 253, sqq.; but on the *ἐπαγγελία* in particular Schömann de Com. p. 240; Heffter, p. 233. n. 14; Platner's Proc. i. p. 335. sqq.

8) Dinarch. c. Demosth. c. 71: *τοὺς μὲν νόμους προλέγειν τῷ ῥήτορι καὶ τῷ στρατηγῷ τὴν παρὰ τοῦ δήμου πίστιν ἀξιοῦντι λαμβάνειν, παιδοποιεῖσθαι κατὰ τοὺς νόμους, γῆν ἐντὸς ὅρων κεκτῆσθαι, πάσας τὰς δι-*

καίας πίστεις παρακαταθέμενον οὕτως ἀξιοῦν προεστάναι τοῦ δήμου. Comp. Æschin. F. L. c. 43.

9) *Ῥήτορες πολιτευόμενοι* in contradistinction to the *ἰδιῶται* or *ἀπράγμονες*; Demosth. Philipp. iv. p. 150. 9; Æschin. adv. Timarch. c. 3. Comp. Ruhnken. ad Longin. xxiv. 1. p. 410. Weisk.

10) See above, §. 69. n. 2. sqq. and Rochefort sur l'utilité des orateurs dans la république d'Athènes, in the Mém. de l'Acad. d. Inscr. t. xliii. p. 1. sqq. Compare especially Demosth. F. Leg. p. 373: *οὐδένα γὰρ τὰ κοινὰ πράττειν ὑμεῖς κελεύετε ἢ ἀναγκάζετε, ἀλλ' ἐπειδάν τις ἑαυτὸν πείσας δύνασθαι προσέλθῃ, πρᾶγμα ποιοῦντες χρηστῶν καὶ φιλανθρώπων εὐνοϊκῶς δέχεσθε καὶ οὐ φθονερῶς, ἀλλὰ καὶ χειροτονεῖτε καὶ τὰ ὑμέτερα αὐτῶν ἐγχειρίζετε.*

11) *Συγγράφεσθαι*, see Aristoph. Thesmoph. v. 438. and more in Heindorf, ad Plat. Gorg. p. 17; Schömann, p. 118. Hence *συγγραφεὺς* in Aristoph. Acharn. 1164.—On the form of the *ψηφίσματα* in general, Schömann, p. 131, sqq.

12) Brunck. ad Aristoph. Thesmoph, 380; Schömann, p. 113. Comp. §. 124. n. 4.—On their irresponsibility, see Demosth. F. L. p. 398. 19.

13) See Aristoph. Acharn. 54, with the commentators; Heindorf ad Plat. Protag. p. 498; and Boeckh's Publ. Æcon. 1. p. 277. Their number was at first 300; but afterwards increased to 1200; Æschin. F. L. c. 50.

14) Æschin. adv. Timarch. c. 15: *τῶν ῥητόρων ἐάν τις λέγῃ ἐν βουλῇ ἢ ἐν τῷ δήμῳ περὶ τοῦ εἰσφερομένου μὴ χωρὶς περὶ ἑκάστου ἢ δὶς περὶ τοῦ αὐτοῦ ὁ αὐτος τοῖς αὐτοῖς, ἢ λοιδορῆται, ἢ κακῶς ἀγορεύῃ τινὰ, ἢ ὑποκρούῃ, ἢ χρηματιζόντων μεταξὺ ἀνεστηκὼς λέγῃ περὶ τοῦ μὴ ἐπὶ τοῦ βήματος, ἢ παρακελεύηται ἢ ἕλκῃ τὸν ἐπιστάτην ἀφειμένης τῆς ἐκκλησίας, κυριευέτωσαν οἱ πρόεδροι μέχρι πεντήκοντα δραχμῶν εἰς ἕκαστον ἀδίκημα ἐγγράφειν τοῖς πράκτορσι, κ. τ. λ.*

15) So Schömann, p. 119. following Suidas and Poll. viii. 94; comp. also H. Mücke de Nomophylacibus Atheniensium, (Witt. 1754); Schneider. ad Aristot. Pol. p. 391; Tittmann, p. 338; Meier's att. Proc. p. 73; Schubert de Ædil. p. 98. The most exact account is in the Lex. Rhetor. appended to Phot. Pors. p. 674: *τὰς δὲ ἀρχὰς ἠνάγκαζον τοῖς νόμοις χρῆσθαι, καὶ ἐν τῇ ἐκκλησίᾳ καὶ ἐν τῇ βουλῇ μετὰ τῶν πρυτάνεων ἐκάθηντο κωλύοντες τὰ ἀσύμφορα τῇ πόλει πράττειν· ἦσαν δὲ ἕπτα καὶ κατέστησαν, ὡς Φιλόχορος, ὅτε Ἐφιάλτης μόνα κατέλιπε τῇ ἐξ Ἀρείου πάγου βουλῇ τὰ περὶ τοῦ σώματος*: comp. Vömel in the Allg. Schulz. 1830. No. 83. who however, as well as Ullrich, über die Eilfmänner, p. 268, disputes the existence of these magistrates during the whole period of the democracy, especially as they are not mentioned by Æschin. adv. Ctesiph. c. 1. extr.

16) *Ἐπιψηφίζειν*, see Hemsterh. ad Lucian. Tim. c. 44; Ducker. ad Thucyd. vi. 14; Valck. ad Herod. viii. 61; Corsin. F. A. i. p. 273—275; Krebsius, l. c. p. 374; but the people *ἐπιψηφίζεται*, *jubet*, see Schneid. and Bornem. ad Xenoph. Anabas. vii. 3. 14. and on the subject at large, Schöm. p. 120.

17) Xenoph. Mem. Socr. i. 1. 14; Æschin. F. L. c. 23.

18) Plat. Apol. Socr. p, 32. B: *ἑτοίμων ὄντων ἐνδεικνύναι με καὶ ἀπάγειν τῶν ῥητόρων.* Conf. Æschin. adv. Ctesiph. c. 1: *εἰσαγγέλλειν.*

§. 130. The usual method of voting was by a show of hands[1], the result being announced by the presidents[2]. Even nominations to office, in the few cases, that is to say, in which lot was not had recourse to, were decided in a similar way, the people declaring their acceptance or rejection of each candidate[3], on his presenting himself, or being recommended to them by some orator[4]. Vote by ballot was prescribed by law only in those cases in which an individual citizen was made the object of a formal public decree[5], when at least 6000 votes were required[6]. Of this kind was ostracism, which is by no means to be considered a legal process, but solely a political expedient of the supreme authority of the time being[7]. This measure was not attended by any definite charge, but yearly, on a certain day[8], it was proposed to the people that they should ostracise; if they affirmed that there was occasion for it, a second meeting was apparently appointed, at which every one gave in written on a shell or potsherd, the name of the individual whose expulsion he wished. The victim of the proceedings left the country for ten years[9]; but as such a sentence was by no means viewed in the same light as a legal punishment, the honours, house, and property of the exile remained intact, and he might at any time be recalled by a decree of the people, which could not be done in the case of common criminals[10]. The exercise of judicial power was usurped by the public assembly but seldom, and only on extraordinary occasions[11]. In all the cases in which it could legally exercise this power, we see it appear rather as a party concerned than as judge; and even in those suits which were commenced before the assembly, its decision, as in cases of προβολὴ[12], was, at the most, but a *præjudicium* merely serving to show the prosecutor *how* far the public voice was with him.

1) Χειροτονία, although ψηφίζεσθαι is often used; whence ψήφισμα: see Schömann, p. 122, sqq.

2) Ἀναγορεύειν τὰς χειροτονίας, Æsch. adv. Ctesiph. c. 1.

3) Ἀρχαιρεσιάζοντες, σπονδαρχιῶντες, σπονδαρχαί (παραγγέλλοντες, which is used by Dionys. Hal., Plutarch, and others, is not Attic); see at large, Schömann, p. 322—330, and on election by nomination below, part 4.

4) Προβάλλεσθαί τινα or ἑαυτόν: see Demosth. Mid. c. 7; Æschin. de F. L. c. 6,; conf. Ast. ad Plat. Legg. p. 286.

5) Andoc. de Myster. c. 87: μηδὲ ἐπ' ἀνδρὶ νόμον ἐξεῖναι θεῖναι, ἐὰν μὴ τὸν αὐτὸν ἐπὶ πᾶσιν Ἀθηναίοις, ἐὰν μὴ ἑξακισχιλίοις ὀὔσῃ κρύβδην ψηφιζομένοις. Conf. Demosth. adv. Timocr. p. 719. 5, and Schöm. p. 273. The same number was required for the admission of a foreigner to the rights of citizenship (§. 117. n. 7), for passing public acts of dispensation (§. 124. n. 14), and so forth. We are not however, with Wachsm., i. 1. p. 259, to conclude that these were the votes of the Heliasts exclusively, although the fact that the number of the votes was identical with that of the Heliasts, seems to indicate some connection with them.

6) Whether 6000 in all, or 6000 in favour of the measure is uncertain. Boeckh, in his Publ. Œcon., and Wachsm. i. 1. p. 272, assert the former; Platner, Proc. and KL. ii. p. 136, the latter; Tittmann p. 190. hesitates, but, is more correct than Schömann (p. 246,) in considering it natural to suppose that as in cases of ostracism, so in this also, it was required that the votes should be unanimous.

7) See the authors quoted above, §. 111. n. 18. extr.

8) Lex. Rhetor. post Phot. Pors. s. v. Κυρία p. 672: Ἐπὶ δὲ τῆς ἕκτης πρυτανείας πρὸς τοῖς εἰρημένοις καὶ περὶ τῆς ὀστρακοφορίας ἐπιχειροτονίαν δίδοσθαι, εἰ δοκεῖ ἢ μή. Comp. also p. 675. with which the Schol. on Aristoph. Equ. 852, agrees almost verbatim.

9) See especially the speech of Andocides (or Phæax? comp. Taylor's Lectt. Lys. c. vi. p. 261, sqq. Rsk., and, on the other hand, Ruhnk. Hist. Crit. Orat. Gr. p. 47—57. with Valcken. in Sluiteri Lectt. Andoc. p. 17—26.) Alcibiades, and Plutarch, V. Alcib. c. 13. with Bähr's remarks, p. 128.

10) See Meier de bonis damn. p. 97, sqq.

11) As for instance in the thoroughly illegal proceedings against the generals who had conquered at Arginusæ; Xenoph. Hellen. i. 7.; comp. at large Matthiæ de jud. Ath. p. 241, sqq. Tittmann p. 194, and below, §. 133. n. 10.

12) Bekk. Anecdd. p. 288. 18: προβολὴ καὶ προβάλλεσθαι τὸ παράγειν εἰς τὴν ἐκκλησίαν τὸν βουλόμενον καὶ ἀποφαίνειν ὡς ἠδίκησεν, εἴ τις δοκοίη ἀδικεῖν· καὶ τοὺς συκοφάντας (conf. Æschin. F. L. c. 41.) καὶ τοὺς περὶ τὰ μυστήρια ἢ Διονύσια ἀδικοῦντας (Demosth. Mid. c. 4.)—Κηκίλιος δέ, proceeds the Lex. Rhetor. post Phot. Pors. p. 676, φησιν εἶναι ἣν κατὰ τῶν δημόσια μέταλλα ὑπορυττόντων, (comp. Boeckh in the Abh. d. Berl. Acad. v. 1815, p. 129.) ἀποφέρουσι, καὶ καθόλου τῶν τὰ κοινὰ κλεπτόντων· καλεῖσθαι δὲ οὕτως καὶ τὰς ἐμπορικὰς μηνύσεις. See more in Harpocratio s. v. καταχειροτονία, (could it also be employed against public officers?); Matthiæ l. c. p. 238; Schöm. p. 227—239; Tittm. p. 197; Heffter p. 229; Meier und Schömann att. Proc. p. 271—277; Platner's Proc. und Kl. i. p. 379—386.

§. 131. It was, above all, a necessary consequence of the legal character of the Athenian democracy (§. 113), that the maintenance and execution of the laws was not entrusted to the general assembly of the people, which could but be the creature of momentary interests—but to a certain number of jurymen, who, although themselves of the people, seemed to lie under a greater responsibility, by virtue of the oath they took[1], and, in the exercise of their functions, maintained that distinction in the powers of the state which alone could preserve a democracy from the total confusion we have already noticed. To them belonged, besides their proper office as judges, the power of legislation: a power which Solon could never have intended to vest in the public assembly, since he had subjected that assembly, and its decisions, on all occasions, to the existing enactments[2]. Hence, by the annual revision[3] of the laws, which was to take place at the first public assembly in each year, we are to understand nothing more than a statement of defects that had been perceived in the existing code, and the expression of wishes respecting them. All further proceedings on the subject rested with the Nomothetæ[4], who appear to have been a select committee, chosen from the jurymen for the current year, their number depending on the exigencies of the occasion[5]. Any citizen might propose new laws[6]; the people appointed five advocates to maintain the old[7]. The measures to be submitted to the Nomothetæ, like those which came before the public assembly, were previously approved by the senate of five hundred[8], and, as in the public assembly, so among the Nomothetæ, some members of the senate presided. To avoid omissions and contradictions in the legislation, the proposal of every law was preceded by a formal abrogation of the old, and in room of the old, thus annulled, the new one was

immediately introduced[9]; but, notwithstanding this attempt to limit the number of the laws, it became at last so excessive as to occasion much confusion[10].

1) Demosth. Leptin. §. 75: *συνίετε, καθ' ὃν τρόπον ὁ Σόλων τοὺς νόμους ὡς καλῶς κελεύει τιθέναι· πρῶτον μὲν παρ' ὑμῖν τοῖς ὀμωμοκόσι, παρ' οἵσπερ καὶ τἆλλα κυροῦται, κ. τ. λ.* See the oath of the Heliasts, ap. Demosth. adv. Timocr. p. 746, coll. p. 725. 15: *ἆρ' οὖν τῷ δοκεῖ συμφέρειν τῇ πόλει τοιοῦτος νόμος, ὃς δικαστηρίου γνώσεως αὐτὸς κυριώτερος ἔσται καὶ τὰς τῶν ὀμωμοκότων γνώσεις τοῖς ἀνωμότοις προστάξει λύειν*; for a further account see Platner, Proc. und Kl. i. p. 80—87; Wachsm. i. 1. p. 260.

2) See above, §. 67. n. 8; conf. Demosth. ibid. p. 709. 24.

3) *Ἐπιχειροτονία νόμων*, Demosth. ibid. p. 706; comp. Petiti Legg. ii. 1. p. 175, sqq., and Æschin. adv. Ctesiph. c. 10.

4) See, at large, Wolf's Prolegg. Leptin. p. cxxvi. sqq.; Schömann de Com. p. 248, sqq.; Platner's Proc. und Kl. ii. p. 27—39; Hüllmann's Staatsr. p. 324. Tittmann endeavours in vain, p. 146, sqq., to show that the public assembly exercised this power.

5) Demosth. l. l. p. 708. 27, says 1001; Andoc. de Myster. c. 84: *πεντακόσιοι, οὓς οἱ δημόται εἵλοντο, ἐπειδὴ ὀμωμόκασιν*, but this probably was an extraordinary case.

6) Before the statues of the Eponymi, see above, §. 111. n. 2, and Wolf, l. c. p. cxxxiv., not far from the *θόλος* of the Prytanes (see Müller ap. Ersch. und Gruber, vi. p. 236), which was the usual place for fixing up all public notices; comp. Isæus de Dicæog. c. 37; Demosth. Mid. c. 28.

7) *Συνήγοροι*, Demosth. l. l. p. 707. 15; 711. 19. ibiq. Ulpian.

8) *Συννομοθετεῖν τὴν βουλήν*, Demosth. l. l. p. 708. 28; Poll. viii. 101: *τοὺς γὰρ νέους (νόμους) ἐδοκίμαζεν ἡ βουλὴ καὶ ὁ δῆμος καὶ τὰ δικαστήρια*, compare Plat. de Legg. vi. p. 772. D.

9) Demosth. l. l. p. 710: *τῶν δὲ νόμων τῶν κειμένων μὴ ἐξεῖναι λῦσαι μηδένα, ἐὰν μὴ ἐν νομοθέταις· τότε δ' ἐξεῖναι τῷ βουλομένῳ τῶν Ἀθηναίων λύειν, ἕτερον τιθέντι ἀνθ' ὅτου ἂν λύῃ. Διαχειροτονίαν δὲ ποιεῖν τοὺς προέδρους περὶ τούτων τῶν νόμων πρῶτον μὲν περὶ τοῦ κειμένου, εἰ δοκεῖ ἐπιτήδειος εἶναι τῷ δήμῳ τῶν Ἀθηναίων ἢ οὔ, ἔπειτα, περὶ τοῦ τιθεμένου· ὁπότερον δ' ἂν χειροτονήσωσιν οἱ νομοθέται, τοῦτον κύριον εἶναι. Ἐναντίον δὲ νόμον μὴ ἐξεῖναι τιθέναι τῶν νόμων τῶν κειμένων μηδενί. Ἐὰν δέ τις λύσας τινὰ τῶν νόμων τῶν κειμένων ἕτερον ἀντιτιθῇ μὴ ἐπιτήδειον τῷ Ἀθηναίων δήμῳ, ἢ ἐναντίον τῶν κειμένων τῳ, τὰς γραφὰς εἶναι κατ' αὐτοῦ κατὰ τὸν νόμον, ὃς κεῖται, ἐάν τις μὴ ἐπιτήδειον θῇ νόμον.*

10) Demosth. Leptin. §. 72, sqq. Conf. Voemel ad Olynth. iii. c. 10. p. 122.

§. 132. The maintenance of these and similar regulations, and the prevention of all collision between new measures and existing laws or rights, was the original

object of the γραφὴ παρανόμων, which any one might institute against the framer of measures which so offended[1]. But this, which at first served as the Palladium of established rights and institutions[2], eventually became, in the hands of orators and sycophants pretending zeal for the public good and anxiety for the Demos, the means of the most mischievous chicanery. For, as it served to prevent the adoption of any measure whatever, or, at least, to delay its operation, if adopted, it was frequently employed merely for the latter purpose, and, accordingly, the oath which was required of the party who had recourse to it, was the same, in name at least, with that taken on requesting a delay of proceedings in a court of justice[3]. The suit itself was conducted in the usual manner, but the oath appears to have been administered in the public assembly[4]. If the prosecution proved successful[5], the law, or psephism, against which it was directed, became null and void[6], and the proposer incurred a fine at the discretion of the people[7]. Any one who had been thrice so condemned lost for ever the right of proposing laws[8], nor was any one safe from the γραφὴ παρανόμων, till a full year had elapsed from the enactment of the measure he had proposed[9], after which time it was defended, if necessary, by five advocates in the name of the people[10].

1) On this subject in general, see Schömann de Com. p. 159—170; 272—281; Heffter, p. 157; Meier und Schöm. p. 282—286; Platner's Proc. und Kl. ii. p. 40—65.

2) Demosth. adv. Timocr. p. 748. 9: ἀκούω δ' ἔγωγε καὶ τὸ πρότερον οὕτω καταλυθῆναι τὴν δημοκρατίαν, παρανόμων πρώτων γραφῶν καταλυθεισῶν καὶ τῶν δικαστερίων ἀκύρων γεγονότων. Conf. Thucyd. viii. 67; coll. Æschin. adv. Ctesiph. cc. 2 and 62—64; Demosth. adv. Theocr. p. 1333. 7; Dinarch. c. Demosth. c. 100. See also Tittmann. p. 6, sq.

3) Pollux, viii. 44: ὑπομοσάμενος γάρ τις τὸ γραφὲν . . . διήλεγχεν ὅτι ἐστὶ παράνομον, ἢ ἄδικον ἢ ἀσύμφορον·—καὶ οὐκ ἦν (ibid. §. 56) μετὰ τὴν ὑπωμοσίαν τὸ γραφὲν, πρὶν κριθῆναι, κύριον. Conf. Demosth. adv. Everg. et Mnesib. p. 1149. 14: γενομένου τοίνυν τοῦ ψηφίσματος

τούτου ἐν τῇ βουλῇ καὶ οὐδενὸς γραψαμένου παρονόμων ἀλλὰ κυρίου ὄντος, κ. τ. λ. On the ὑπωμοσία in general, see Hudtwalcker von den Diäteten, p. 94, sqq. Was it also called ἀπωμοσία? see the Lex. Rhetor. post Phot. Pors. p. 665.

4) So Schöm. p. 161, following chiefly Xenoph. Hell. i. 7. 38.

5) See below, part iii.; the 6000 judges mentioned by Andocides, de Myster. c. 17, were the maximum.

6) Ἄκυρον ἐγένετο, ἐλύθη, see Diogen. Laert. v. 38.

7) Ἀγὼν τιμητὸς, an assessed suit, c. 17, see Boeckh, Publ. Œcon. ii. p. 98.

8) See Meier de bonis damn. p. 130. If the prosecutor failed, the usual regulations respecting all public trials, which will be detailed below, came into operation; comp. Demosth. pro Cor. p. 315. 17.

9) See Petiti Legg. 183, sq.

10) As in the case of Leptines, comp. c. 125.

§. 133. The advocates whom we here find acting as public defendants[1], sometimes appear as public prosecutors, in cases in which the people, considering itself much aggrieved, and its majesty or the safety of the state endangered, itself instituted special inquiries, or charged one of the senates or special commissioners[2] to conduct them, after which the guilty parties were proceeded against in the ordinary way[3]. Even foreigners and slaves, after receiving dispensation for the purpose, might lay informations[4] of this kind before the public assembly[5]; a citizen proceeded by the εἰσαγγελία[6], which, though in fact so far a public prosecution, was by no means attended with the same danger to the prosecutor[7]. For this reason, although originally devised solely for those cases in which the state was immediately concerned, and the existing laws appeared either doubtful or inadequate[8], it was preferred whenever an offence could be represented in any aggravated view. The εἰσαγγελία, like a common information, might be made either directly to the public assembly, or to the senate, which had power to impose fines to the amount of 500 drachmæ, but was obliged to send cases involving greater penalties before

the ordinary tribunals[9]. Instances occur in which penalties were awarded by the assembly of the people[10]; but generally it did no more than decide whether the prosecution should be instituted, and appoint the plaintiff his *συνήγορμι*. The term *εἰσαγγελία* was also given to prosecutions for breaches of filial duty[11], or partiality in judges; although here the similarity existed only in the security afforded to the plaintiff, not in the mode of proceeding[12].

1) On these *σύνδικοι* or *συνήγοροι* (also *κατήγοροι*, ap. Dinarch. adv. Aristog. c. 6.) see Herald. Obss. ad J. A. et R. iii. 10. p. 233. sq. Seyberth Comm. de diverso Syndicorum in Græcia et Latio numere, (Gött. 1768;) and especially Meier de bonis damn. p. 111, sq., who, however, appears to be wrong in assuming that there were regular *συνήγοροι* annually chosen, Boeckh, however, seems to imply the same, by saying, Publ. Œcon. i. p. 317: "The wages of the public orators (*μισθὸς συνηγορικὸς*) occasioned a small expense, which amounted every day, i. e. for the 300 days of business, to a drachma, and not for each speech, as the Scholiast of Aristophanes erroneously asserts. As these advocates were ten in number, the whole expense amounted to half a talent a year." But see Wolf ad Demosth. Lept. p. cxxxvii. and Schömann de Com. p. 210; Hefftter p. 106, sqq. Thus, for instance. Æschin. adv. Ctesiph. c. 13: *οὐκ ὤκνησεν ἀπ' εἰσαγγελίας αὐτοῦ κρινομένου περὶ θανάτου κατήγορος γενέσθαι.* The *συνήγοροι* of the Logistæ (see Bekk. Anecdd. p. 301; Boeckh, Publ. Œcon. i. p. 259, and part iv. of this chapter,) being appointed by lot, must be distinguished from these, whose election was by public nomination. Demosth. says, Lept. c. 131, *οὐκ ἐξῆν χειροτονηθέντα ὑπὸ τοῦ δήμου πλέον ἢ ἅπαξ συνδικῆσαι.*

2) *Ζητηταί*, see Andoc. de Myster. c. 14; comp. Sluiteri Lectt. Andoc. p. 55; Schömann de Com. p. 221, sqq.; att. Process, p. 566. The *ζητηταὶ* or *μαστῆρες* in financial measures were quite different; see Hudtwalker's Diæteten, p. 58; Boeckh's Publ. Œcon. i. p. 213. Blum, Prolegg. ad Demosth. Timocr. p. 19; Wachsmuth, ii. 1. p. 302.

3) See at large, Tittm. p. 204, sqq. who, however, has taken fruitless pains to show, that the general assembly proceeded to decide these cases.

4) *Μηνύσεις*, see Schömann de Com. p. 219—227; Hefftter, p. 234—237; Platner's Pr. u. Kl. i. p. 353—365.

5) *Ἄδεια*, comp. Plut. Pericl. c. 31,

6) See at large, Des. Herald. Obss. ad J. A. et R. iii. 7. p. 220, sqq., (against Salmasius, who had compared it to the *Stellionatus* of the Romans;) Matthiæ de jud. Ath. p. 229—238, Schömann de Com. p. 170—217; Tittmann p. 198—204; Hefftter, p. 213—229; Meier u. Schöm. p. 260—271; Platner's Pr. i. p. 365—379; Wachsm. ii. 1. p. 297.

7) Poll. viii. 53: *ὅτι δὲ ὁ εἰσαγγείλας καὶ οὐχ ἑλὼν ἀζήμιος ἦν, Ὑπερίδης ἐν τῇ ὑπὲρ Λυκόφρονός φησι. Καίτοι γε ὁ Θεόφραστος τοὺς μὲν ἄλλας γραφὰς γραψαμένους χιλίας τ' ὀφλισκάνειν, εἰ τοῦ πέμπτου τῶν ψήφων μὴ μεταλάβοιεν; καὶ πρὸς ἀτιμοῦσθαι· τοὺς δὲ εἰσαγγέλλοντας*

μὴ ἀτιμοῦσθαι μὲν, ὀφλεῖν δὲ τὰς χιλίας. Ἔοικε δὲ τοῦτο διὰ τοὺς ῥᾳδίως εἰσαγγέλλοντας ὕστερον προσγεγράφθαι.

8) Lex. Rhetor. post Phot. Pors. p. 667: Εἰσαγγελία κατὰ καινῶν καὶ ἀγράφων ἀδικημάτων· αὕτη μὲν οὖν ἡ Κηκιλίου δόξα· Θεόφραστος δὲ ἐν τῷ τετάρτῳ περὶ νόμων φησὶ γενέσθαι, ἐάν τις καταλύῃ τὸν δῆμον ῥήτωρ ἢ μὴ τὰ ἄριστα συμβουλεύῃ χρήματα λαμβάνων· ἢ ἐάν τις προδιδῷ χωρίον ἢ ναῦς ἢ πεζὴν στρατιὰν· ἢ ἐάν τις εἰς τοὺς πολεμίους ἀφικνῆται ἢ ἐνοικῇ παρ' αὐτοῖς ἢ στρατεύηται μετ' αὐτῶν ἢ δῶρα λαμβάνῃ. συνομολογεῖ δὲ τοῖς ὑπὸ Θεοφράστου ἡ τοῦ Θεμιστοκλέους εἰσαγγελία ἣν εἰσήγγειλε [Κρατερὸς] Λεσβώτης. (Plut. v. Them. c. 23. Λεωβότης) Ἀλκμαίωνος Ἀγραυλῆθεν· ἔνιοι δὲ τῶν ῥητόρων εἰώθεσαν καλεῖν καὶ τὰ μὴ μεγάλα ἀδικήματα εἰσαγγελίαν· ἔστι δ' ὅτε ἐμβάλλοντες τοὺς συκοφαντουμένους εἰσήγγειλον, ὡς μὲν Φιλόχορος, χιλίων καθιζομένων, ὡς δὲ Δημήτριος ὁ Φαληρεὺς, χιλίων πεντακοσίων. Κἀκεῖνος δὲ οὕτως ὡρίσατο· εἰσαγγελία ἐστὶν ὃ περὶ καινῶν ἀδικημάτων δεδώκασιν ἀπενεγκεῖν οἱ νόμοι· ἔστι δὲ τὸ μελετώμενον ἐν ταῖς τῶν σοφιστῶν διατριβαῖς.

9) Demosth. adv. Everg. et Mnesib. p. 1152.

10) See above, §. 130. n. 11. and Platner's Proc. i. p. 375. Particularly, it would seem, εἴ τις τὸν δῆμον (ὑποσχόμενος) ἐξαπατήσειε, Demosth. adv. Timoth. p. 1204, 19; compare the case of Miltiades, Her. vi. 136. coll. Wachsm. i. 2. p. 52. Hence too is explained the psephism of Canonus, Xenoph. Hel. i. 7. 21; comp. Schol. Aristoph. Eccl. v. 1089.

11) See Harpocr. s. v., and on the *κάκωσις* especially, Des Herald. l. l. iii. 14. p. 247—251; also vii. 23. p. 587—591, on the *κάκωσις γονέων*; comp. Petiti Legg. p. 241—245. and Jan. Pan de grati animi officiis, etc., p. 10—32; on the *κάκωσις ἐπικλήρων* Sluiteri lectt. Andoc. p. 91; Hudtwalcker's Diäteten, p. 138; comp. above, §. 121. n. 11. Consult also at large, Meier de bonis, p. 134, and att. Proc. p. 287—293. coll. 269, sq., Platner's Proc. u. Kl. ii. p. 224—235; Wachsm. ii. 1. p. 273.

12) Compare Hudtwalcker, p. 25, sqq., who, however, asserts the competency of the senate of 500, in this case also compare Tittm. (p. 251, and 329.) whilst Boeckh and Meier, (see de bonis, pp. 129, 236; att. Proc. p. 215.) consider the *πρυτανεύων* mentioned in Demosth. Mid. c. 24, to have been one of the Logistæ; which certainly would appear more probable, had it not at that time already become the custom for a *πρόεδρος* to take the votes, and not the *πρύτανις*, (see above, §. 127. n. 9.)—Compare also de jure magg. p. 68.

PART III.

Of the Courts of Law.

§. 134. We proceed to speak more directly of the selection of the jurymen by whom the sovereign people provided for the service of the regular courts of law [1]. They amounted in all to 6000 [2]; being citizens of above thirty years of age [3], selected annually by the nine archons and their secretary; probably 600 from each of the ten tribes [4]. They were called Heliasts, from the Heliæa, their place of assembly [5]. They seldom all met, being formed into ten divisions, the complement of each of which was strictly 500 [6], although it varied according to circumstances [7]; sometimes diminishing [8] to 200 or 400, whilst, on other occasions, it appears to have been raised [9] to 1000 or 1500, by the union of two or three divisions. Every one to whose lot it fell to serve as juryman, received, after taking the oath [10], a tablet, inscribed with his name and the number of the division [11] to which he was to belong during the year [12]. On the morning of every court-day, recourse was again had to lots [13], to decide in which courts the divisions should respectively sit for that day [14], and the suits of which they should take cognizance, since there were many which could be decided only in certain courts [15]. The number of these courts of justice is uncertain; most of them, however, were in the Agora and were distinguished by numbers and colours. Staves with corresponding marks [16] were handed to the jurymen at the entrance of each court, as symbols of their judicial power, and at the same time tickets [17], on presenting which, from the time of Pericles, they received their fee [18] from the καλάγρεται [19]. Of course, no court met on festivals, nor on the days

of general assemblies of the people, but, with those exceptions, we never hear of the suspension of private suits, except on great emergencies in time of war[20].

1) On this subject in general compare Joach. Stephanus de jurisdictione vett. Græcorum c. 5. sqq., t. vi. p. 2697, sqq., Thes. Gron.; Sigonius de Rep. Ath. lib. iii; Petiti Legg. Att. l. iv. p. 392, sqq.; Blanchard, obss. générales sur les tribunaux établis à Athènes pour le maintien des loix et pour régler les différends qui s'élevoient entre les particuliers; in the Hist. de l'Ac. d. Incr. vii. p. 51, sqq., and sur les Héliastes, ibid. p. 88, sqq.; Pettingale, on the use and practice of juries among the ancients, (Lond. 1769.) Heyne's Epimetrum to his Comm. de judiciorum publicorum ratione et ordine apud Græcos et Romanos, in his Opuscc. t. iv. p. 76—90; A. Matthiæ de Judiciis Atheniensium, part ii. in his Miscellanea Philologica, (Altenb. 1803.) t. i. part iii. p. 242—278; G. F. A. Blankensee de judicio juratorum apud Græcos et Rom., (Gott. 1812.); J. Th. Vœmel de Heliæa, (Franc. 1822.); Tittman. p. 213, sqq.; Wachsmuth, ii. 1. p. 304, sqq.

2) Aristoph. Vesp., 661. sqq.

3) Demosth. adv. Timocr. p. 747. 10.

4) Schol. Aristoph. Vesp. 775.

5) Τὸ *μέγιστον δικαστήριον τῶν ἐν Ἀθήνῃσιν*, Harpocr. p. 138; comp. Bekk. Anecdd. p. 310. 32:—*ἐκαλεῖτο δὲ καὶ μεγάλη ἐκκλησία* (see above, §. 130. n. 5.) *Ἡλιαία δὲ ἐκλήθη ἤτοι παρὰ τὸ ἐν αὐτῇ ἁλιάζεσθαι, τοῦτ' ἐστὶν ἀθροίζεσθαι* (*ἁλία* i. q. *ἐκκλησία*, Dorv. ad Charit. p. 242; Wachsm. i. 1. p. 187.) *ἢ διὰ τὸ ὕπαιθρον εἶναι τὸν τόπον καὶ ἡλιοῦσθαι.* See more in Tittmann, p. 215—217.

6) The other 1000 consequently acted as supernumeraries, comp. Wachsm. Antiq. ii. 1. p. 314; Heffter's Hypothesis (p. 52,) of Decuriæ of 600 members, who were not all actually required to serve, comes to the same thing; but is inconsistent with the account given by the ancients themselves. See below, n. 12. The number of the judges who are said to have tried Socrates, (Diogen. L. ii. 41. coll. Plat. Apol. Socr. p. 36. A.) involves very great difficulties, compare Fréret in Mém. de l'Ac. d. l. xlvii. p. 265; Boeckh in Süvern's Abh. über Aristoph. Wolken, (Berlin, 1826.) p. 88.

7) *Κατὰ λόγον τοῦ ἐγκλήματος*, Lucian. Bis Acc. c. 12.

8) As in cases of Phasis, Poll. viii. 48. Properly, 201 and 401.

9) As in cases of Eisangelia, Poll. viii. 53, and comp. ibid. §. 123; *Ἡλιαία δὲ πεντακοσίων* (a cautious expression, but which has misled Luzac, de Socr. cive, p. 110.) *εἰ δὲ χιλίων δέοι δικαστῶν, συνίσταντο δύο δικαστήρια, εἰ δὲ πεντακοσίων καὶ χιλίων, τρία.* See more in Tittmann, p. 114, and Meier u. Schömann, p. 139.

10) See Demosth. adv. Timocr. p. 746; *ἐν Ἀρεῒήττῳ*, Harpocr. p. 46. comp. Poll. viii. 122, and Platner, i. p. 80. who also rejects the notion of the oath, *περὶ ὧν μὴ εἰσὶ νόμοι, γνώμῃ τῇ δικαιοτάτῃ κρινεῖν* (Matthiæ, l. c. p. 256.) which Petit, p. 414, and Wolf ad Leptin. p. 339, assert, was taken in each court; see also, Schömann, and Meier, §. 135.

11) Some of these have been preserved to our times; see the C. Inscr. i. p. 341. The proceeding mentioned by Aristophanes, Plut. 1167, *σπεύδουσιν ἐν πολλοῖς γεγράφθαι γράμμασιν*, was illegal, but does it follow that the ten Decuriæ, (*δικαστήρια* or *φυλαί*,) of judges, did not correspond to the ten *φυλαί* of the people?

12) Compare here and on what follows the Scholiast on Aristoph. Plut. 277, with the remarks of Matthiæ, l. l. p. 251—255, besides Cœl. Rhodig. Lectt. Att. xxii. 16, who, however, confounds the Heliasts and Ephetæ, one with the other. See also Schömann de sortitione Judicum apud Athenienses, (Gryphisw. 1820.); Heffter, p. 50, sqq.; Platner, i. p. 69—78.

13) Demosth. adv. Aristog. i. p. 778: *ὑμεῖς αὐτοί, πάντων ἅρτι κληρουμένων Ἀθηναίων καὶ πάντων εὖ οἶδ' ὅτι βουλομένων εἰς τουτί λαχεῖν τὸ δικαστήριον, μόνοι δικάζεθ' ἡμῖν. Διὰ τί; ὅτι ἐλάχετε. εἶθ' ἀπεκληρώθητε.* Comp. de Falsa Legat. init., and Isocr. Areop c. 20. p. 356, coll. Demosth. Mid. c. 2: *πρὸ τῶν δικαστηρίων.*

14) *Ἐπικεκληρωμένων τῶν δικαστηρίων*, Demosth. adv. Pantæn. p. 978. 5: adv. Everg. et Mnesib. p. 1144. 6; comp. Aristoph. Eccles. 714.

15) Thus the *δίκαι σίτου* were tried only in the Odeum (Luzac, Lectt. Att. p. 60; comp. Leake, p. 419;) and we read of the *δικαστήριον τῶν θεσμοθετῶν* in Andoc. de Myster. c. 28; of the *βασίλειον δικαστήριον* in Poll. ix. 44; and of the court of the Ephetæ, on which see above, §. 104. Heffter, p. 60, sqq., raises an unnecessary difficulty, in supposing that these several places served merely for the preliminary (see above, §. 138) measures of the several cases examined in them.

16) See Pausan. i. 28. 8; Pollux, viii. 121; and Schömann. de Sortit. p. 35, sqq.; Att. Proc. p. 141—151.

17) Demosth. de Corona, p. 298. 7: *καὶ παραλαμβάνειν γε ἅμα τῇ βακτηρίᾳ καὶ τῷ συμβόλῳ τὸ φρόνημα τῆς πόλεως νομίζειν ἕκαστον ὑμῶν εἶι, ὅταν τὰ δημόσια εἰσίητε κρινοῦντες.* Compare Schol. Aristoph. Vesp. 1110, and above, §. 55, n. 6.—The *σύμβολον* (Phot. p. 549, Pors.) must not be confounded with the *πινάκιον* already mentioned, nn. 11, 12.

18) *Τριώβολον ἡλιαστικόν*, see Aristot. Polit. ii. 9. 3, and more in Boeckh's Publ. Œcon. i. p. 302, sqq., and G. Hermann, Præf. ad Aristoph. Nubb. ed. ii. p. l.—lii, who, not without reason, opposes the notion advanced by Boeckh, that the *μισθὸς ἡλιαστικὸς*, like the *μισθὸς ἐκκλησιαστικὸς* (see above, §. 128. n. 12), was first raised from one obol to three by Cleon, so far at least as that notion rests on Aristoph. Nubb. 862.

19) *Κωλακρέται οἱ ταμίαι τοῦ δικαστικοῦ μισθοῦ καὶ τῶν εἰς τοὺς θεοὺς ἀναλισκομένων*, Lex. Rhetor. post. Phot. Pors. p. 672. 15; see more in Ruhnk. ad Tim. p. 171; Boeckh, Publ. Œcon. i. p. 232, sq., coll. ii. 84.; Wachsm. ii. 1. p. 148.

20) Demosth. adv. Stephan. p. 1102. 15: *δίκην μὲν οὐχ οἷός τ' ἦν ἰδίαν λαχεῖν (οὐ γὰρ ἦσαν ἐν τῷ τότε καιρῷ δίκαι, ἀλλ' ἀνεβάλλεσθε ὑμεῖς διὰ τὸν πόλεμον) γραφὴν δὲ ῥᾳδίως γράφομαι αὐτὸν, κ. τ. λ.* See more in Meier de bonis, p. 190. Compare the Roman *Lex Lutatia* (Cic. pro Cælio, c. 1), and Meier and Schömann, p. 152—154; Platner, i. p. 98.

§. 135. But before attempting to consider the legal proceedings in detail, it must be stated who could accuse, who be accused, what might be grounds for accusation, what the forms of indictment in various cases, and before whom the various accusations were to be made. As to the first point, it is apparent, from what has already been said, that only respectable Athenian citizens of mature age, in full possession of their rights as citizens, could appear before a court of law in person[1]; all others, except in particular cases, were represented by citizens[2]. According as the indictments could be made by any one who possessed, and chose to exercise, the right of accusing[3], or only by an interested party, they were divided into public and private suits, that is, either the state or an individual had been the object of the wrong complained of[4]. Strictly speaking, however, those only were considered as really private suits (δίκαι[5]) which turned on private concerns, and in which restitution was sought for individual wrongs; whenever the state considered itself aggrieved, or endangered, even indirectly, in the case of wrong done to one of its members, though only a private individual, the public indictment, γραφὴ[6], was had recourse to; and it seems that in such cases, any individual might institute proceedings[7]. The common distinction between all γραφαὶ and δίκαι lay in the circumstance that in the former, no advantage resulted to the accuser individually[8], but to the state alone[9].

1) See at large, Heffter, p. 71, sqq.; Meier u. Schömann, p. 555—574; Platner, i. p. 87—94.

2) Ἐπιγράφεσθαι κύριον; compare Demosth. adv. Macart. p. 1054. 17. —A master accordingly appeared on behalf of his slave (Demosth. adv. Pantæn. p. 981. 18; adv. Callicl. p. 1280. 21); the Prostates for a metic (see §. 115. n. 5); strangers were represented by their hosts or by the Proxenos of their nation (see §. 116. n. 4, and compare Wachsm. ii. 1. p. 303); women and minors by their κύριος or ἐπίτροπος (see §. 122. n. 9—12, and compare Schol. Aristoph. Eq. 964). On the ἄτιμοι, see above, §. 124. n. 11.

3) Ὁ *βουλόμενος Ἀθηναίων, οἷς ἔξεστι*, see §. 124. n. 1.—The practice accusers had of connecting some private grounds of enmity with their management of the prosecution (see Lysias Eratosth. c. 2; coll. Demosth. adv. Neær. init., and Weisse de diversâ indole civitt. p. 116) arose from the necessity of avoiding the odium of *πολυπραγμοσύνη* (Lysias, de cæde Eratosth. c. 16), and from the principle, *τὸ τοὺς φίλους εὖ ποιεῖν καὶ τοὺς ἐχθροὺς κακῶς δικαιοσύνην εἶναι*, Plat. Republ. i. p. 332. D; conf. Meno, p. 71. E.; Clitoph. p. 410. A.; de Justo, p. 374. C.; Eurip. Hercul. Fur. 585; Medea, 805; Anaxim. Rhetor. i. 15; and more in Stallb. ad Platon. Phileb. p. 154; Welcker, ad Theogn. p. lxxxv.

4) *Δίκαι* (in its wider acceptation, or even *ἐγκλήματα*) *δημοσίαι καὶ ἰδίαι*, see Demosth. de Cor. p. 298. 4; Plat. de Legg. vi. p. 767. B., and more in Heffter, p. 112—116; Meier u. Schöm. p. 160—171; Platner, ii. p. 1—9; also Heeren's Res., Greece, p. 190. The distinction into *κατηγορίαι* and *δίκαι*, which originated with Sigonius, Rep. Ath. iii. 1, and has been adopted by Ubbo Emmius and others, even by C. E. Otto, de Atheniensium actionibus forensibus (Lips. 1820), rests only on a misinterpretation of the passage in Isocr. de Bigis, init., and partly originated, it is probable, from the distinction in the Roman law between *accusatio* and *actio*. See the critique of the above-cited Dissertation of C. E. Otto, in Meier u. Schömann, p. 194—196.

5) In the more limited sense, see Poll. viii. 41: *ἐκαλοῦντο γὰρ αἱ γραφαὶ καὶ δίκαι, οὐ μέντοι καὶ αἱ δίκαι γραφαὶ*, and the commentt. on Plat. Euthyphr. c. 1.—They are enumerated by Poll. viii. 31, as follows (*δίκαι*), *αἰκίας, κακηγορίας, βλάβης, παρακαταθήκης, ἀποπέμψεως, κακώσεως* (!), *κλοπῆς, χρέους, συμβολαίων ἢ συνθηκῶν παραβάσεως, μισθώσεως οἴκου, ἐπιτροπῆς, ἀχαριστίας, σίτου, καρποῦ, ἐνοικίου, ἀδικίου, φωρᾶς ἀφανοῦς καὶ μεθημερινῆς*, to these he adds, *εἰς ἐμφανῶν κατάστασις, βεβαιώσεως, ἀποστασίου, ψευδομαρτυριῶν, λειπομαρτυρίου, κακοτεχνίου* and the *ἐρανικαί*. See more in Sigonius, l. l., Otto Spec. ii.; Heffter, p. 244—277; Meier u. Schöm. p. 373—519; Platner, ii. p. 236, sqq.; Wachsm. ii. 1. p. 288—293. On the division into *δίκαι πρός τινα* and *κατά τινος* (Isæus de Hagn. c. 34), see Bunsen de jure hered. p. 89, with the corrections of Heffter, p. 125, and Meier, p. 167; comp. also Wolf. ad Demosth. Lept. p. cli.

6) See Meier, p. 398.—They are enumerated by Poll. vii. 40: *φόνου καὶ τραύματος ἐκ προνοίας καὶ πυρκαΐᾶς καὶ φαρμάκων, καὶ μοιχείας, ὕβρεως, ἱεροσυλίας, ἀσεβείας, προδοσίας, δώρων, δεκασμοῦ, λειποστρατίου, λειποταξίου, ἀστρατείας, λειποναυτίου, ἀναυμαχίου, τοῦ ῥῖψαι τὴν ἀσπίδα, ἀγαμίου, ἀργίας, ἑταιρήσεως, ψευδεγγραφῆς, ψευδοκλητείας, ξενίας, δωροξενίας, παρανόμων, παραπρεσβείας*. Wachsmuth, Antiq. ii. 1. p. 299, sqq., coll. 255—287.

7) On the limitations of the right of prosecuting for homicide, see above, §. 104. n. 5; Platner, ii. p. 4, rightly remarks, that there were several other public suits which it is very doubtful whether any third party might institute; of some it is however certain, as for instance, the *δίκαι κακώσεως*, and the like; compare Demosth. adv. Timocr. p. 733; adv. Macart. p. 1068; Poll. viii. 35; also the *δίκαι ὕβρεως*, see Demosth. adv. Mid. c. 14, where a distinction is clearly made between such a suit instituted by an individual in his own name (the *γραφὴ ἰδία*) and one in the name of a third party; it is certainly surprising to find the *δίκαι ὕβρεως* in c. 9. of the same oration reckoned among the *δίκαι ἰδίαι*, in contradistinction to the

γραφὴ ἀσεβείας (not the προβολή, as asserted by Boeckh, Publ. Œcon. ii. p. 102). Compare the divisions made by Hippodamus, in Aristot. Polit. ii. 5. 2, namely, into βλαβή, ὕβρις, φόνος. The distinction made by Otto, l. c. i. p. 40, into δίκαι, γραφαί, and ἐγκλήματα, has been sufficiently refuted by Meier.

8) See Demosth. ibid. c. 9, extr., p. 523. 24.

9) Hence there was sometimes choice to be made between two modes of proceeding; whether, for instance, by the γραφὴ ὕβρεως or by the δίκη αἰκίας, compare Herald. Obss. ad J. A. et R. ii. c. 9—12, and in particular, p. 129, sq. There is also an interesting passage on this point in Demosth. adv. Androt. p. 601, with which compare adv. Timocr. p. 736.

§. 136. There were other forms of public indictment[1] besides the γραφὴ and εἰσαγγελία just noticed, and differing from them either in the summary process by which they were followed, as the ἔνδειξις, ἀπαγωγὴ, and ἐφήγησις, or in the circumstance that part of the penalty went as a reward to the accuser[2]. Of the latter kind was the φάσις, which, although it assumed, in course of time, the exact form of the γραφὴ, with the exception of this single circumstance[3], appears to have been originally nothing more than a simple information against offenders[4]. Most of the cases in which it was had recourse to, were connected with the financial interests[5]; such as breaches of commercial[6] laws, or of those respecting the mines[7], contraband trade[8], embezzlement, and illegal possession of any kind of public property, an inventory of which occasionally occurs as a set form of accusation[9]. Recourse was also had to the φάσις against sycophants, and unfaithful guardians. The penalty, which was generally a fine, lay at the discretion of the judges[11]; these several cases went before different courts[12].

1) Pollux, viii. 41, reckons among the γραφαὶ, taking the word in its wider acceptation, the δοκιμασία, εὐθύνη, προβολή, φάσις, ἔνδειξις, ἀπαγωγή, ἐφηγεῖσθαι, ἀνδρολήψιον, εἰσαγγελία, which Wachsmuth, ii. 1. p. 293, following Heffter, p. 127, calls *not specific*, in contradistinction to the *specific*. Schömann's criticism of Pollux, de Com. p. 179, is perhaps not quite correct. Of the δοκιμασία and εὐθύνη, we shall speak more accurately in part iv. of this chapter; concerning the ἀνδροληψιον, see above, §. 104. n. 7.

2) See Demosth. adv. Theocr. p. 1325. 29, also adv. Macart. p. 1074. 26; and comp. Boeckh. ad C. Inscr. i. p. 895. Pollux, viii. 48, gives a different account: *τὸ τιμηθὲν ἐγίγνετο τῶν ἀδικουμένων, εἰ καὶ ἄλλος ὑπὲρ αὐτῶν φήνειεν.*

3) Compare Schömann, de Com. p. 177, sq.; Otto, l. c. i. p. 24—27; Hefftter, p. 186—191; Meier att. Proc. p. 247—252; Platner, ii. p. 9—17.

4) Pollux, viii. 47: *κοινῶς δὲ φάσεις ἐκαλοῦντο πᾶσαι αἱ μηνύσεις τῶν λανθανόντων ἀδικημάτων*: comp. Sluiteri Lectt. Andoc. p. 185.

5) Ibid.: *Φάσις δὲ ἦν τὸ φαίνειν τοὺς περὶ τὰ μέταλλα ἀδικοῦντας ἢ περὶ τὸ ἐμπόριον κακουργοῦντας, ἢ περὶ τὰ τέλη, ἢ τῶν δημοσίων τι νενοσφισμένους, ἢ συκοφαντοῦντας ἢ περὶ τοὺς ὀρφανοὺς ἐξαμαρτάνοντας.*

6) See Demosth. adv. Lacrit. p. 941. 15; adv. Theocr. p. 1324, with Baumstarck de Curat. Empor. p. 52, sqq., who, I must remark, very erroneously contradicts the statements in the Attische Process. p. 87. See below, §. 138. n. 3.

7) See Boeckh in the Abhh. d. Berl. Acad. v. 1815, p. 130.

8) Compare Petiti Legg. v. 5. p. 511, sqq.; Boeckh's Publ. Œcon. i. p. 110, sqq.; also Demosth. adv. Phorm. p. 918. 5, *εἴ τις οἰκῶν Ἀθήνησιν ἄλλοθί ποι σιτηγήσειεν ἢ εἰς τὸ Ἀττικὸν ἐμπόριον*, with which compare Boeckh. Publ. Œcon. i. p. 77, and the commentt. on Lycurg. adv. Leocr. c. 9. p. 156, Reisk.

9) Meier de bonis, p. 214; comp. p. 201, sqq.; att. Proc. p. 255; Platner's Beitr. p. 215, and Pr. u. Kl. ii. p. 13, coll. p. 122, sqq.

10) Phot. p. 641. Pors.: *ὅτε γὰρ μὴ ἐκμισθώσαιεν οἱ ἐπίτροποι τὸν οἶκον τῶν ἐπιτροπευομένων, ἔφαινεν αὐτὸν ὁ βουλόμενος πρὸς τὸν ἄρχοντα, ἵνα μισθωθῇ, ἔφαινεν δὲ καὶ εἰ ἐλάττονος ἢ κατὰ τὴν ἀξίαν μεμίσθωτο*: compare Meier u. Schömann, §. 294, sqq. In Hefftter's opinion (p. 252) it was only during minority; afterwards only the *δίκη ἐπιτροπῆς* was had recourse to.

11) Meier de Bonis, p. 156.

12) In this latter case alone the archon had full powers; Matthiæ de Jud. Ath. p. 243.

§. 137. The summary process[1], in the cases alluded to, consisted in the immediate apprehension of the accused, after information had been laid in the proper court, and his imprisonment[2], if further proceedings were requisite, till the close of the prosecution, unless he could procure three securities, as mentioned in §. 126. This mode of proceeding was however seldom had recourse to, except in cases so notorious and heinous, that it might be presumed that no doubt

could be entertained respecting them. The ἀπαγωγὴ in particular took place when an offender was taken in the fact[3]; and differed from the ἐφήγησις, in the circumstance that the culprit was dragged before the court, whereas in the latter, the judges were summoned to seize the offender on the spot where the crime had just been committed[4]. The ἔνδειξις again, took place in cases not so much of positive crime, as of pretensions to and assumption of civil rights, which, it was notorious, did not belong to the offender[5]. In most of these cases the penalty was fixed by law[6], and consequently might be inflicted by the court[7] on the confession or conviction[8] of the accused, without the formality of a public decree—an instance, this, of the original union of the executive and judicial powers[9], of which no other traces remained but the power the judges possessed of inflicting fines, ἐπιβολαὶ[10], and the proceedings which constituted the ἡγεμονία δικαστηρίων.

1) Compare Pollux, viii. 49, 50, and more in Herald. Obss. ad J. A. et R. iv. c. 7—9. p. 310—321; Otto, l. c. i. p. 17—24; Hefftter, p. 195—213; Meier u. Schömann, p. 224—247; Platner's Proc. u. Klag. i. p. 257—288.

2) Demosth. adv. Timocr. p. 746. 3: *τὸν δ' ἐνδειχθέντα ἢ ἀπαχθέντα ὑπάντων οἱ Ἕνδεκα ἐν τῷ ξύλῳ*: comp. Antiph. de cæd. Herod. c. 17; Isæus de Nicostr. c. 28; Æschin. adv. Timarch, c. 19. See Meier and Schömann, p. 583, sqq., and below, §. 139.

3) Lysias adv. Agorat. c. 85: *ὅτι ἐπ' αὐτοφώρῳ τῇ ἀπαγωγῇ ἐπιγέγραπται*: conf. Demosth. de Falso Legat. p. 431. 7: *ἐπειδὴ δ' ὁμωλογοῦσιν, ἀπάγειν ὅπου προσῆκε*, and more in Meier de bonis, p. 42.

4) Demosth. adv. Androt. p. 601. 20: . . *οἷον τῆς κλοπῆς· ἐρώσαι καὶ σαυτῷ πιστεύεις; ἄπαγε, ἐν χιλίαις δ' ὁ κίνδυνος· ἀσθενέστερος εἶ; τοῖς ἄρχουσιν ἐφηγοῦ· τοῦτο ποιήσουσιν ἐκεῖνοι.* Also *ἐπαγαγεῖν τους ἄρχοντας*, Lysias de olea, c. 22.—What was the real distinction between *ἐφήγησις* and *ὑφήγησις* (Bekk. Anecdd. p. 312, extr., *δίκη εἰσαγομένη κατὰ τῶν ὑποδεξαμένων τὸν εἰργόμενον ὑπὸ τῶν νόμων ἐπιβαίνειν τῆς χώρας, οἷον φυγάδα ἢ ἀνδροφόνον· ἢ ὅταν τῶν δημοσίων τι κατέχειν δοκῇ τις κρύφα*), which Meier (de bonis, p. 214; comp. att. Proc. p. 260) asserts to have been different; but Platner (Proc. u. Kl. ii. p. 131) and others, consider identical! Compare also Göttling, in the Hermes, xxiii. p. 140.

5) Pollux: *ἔνδειξις δὲ ἦν πρὸς τὸν ἄρχοντα ὁμολογουμένου ἀδικήματος, οὐ κρίσεως, ἀλλὰ τιμωρίας δεομένου . . . . μάλιστα δὲ τοὺς ὀφείλοντας τῷ δημοσίῳ ἐνεδείκνυσαν, ἢ τοὺς κατιόντας, ὅποι μὴ ἔξεστιν, ἢ τοὺς ἀνδροφόνους*: comp. Harpocr. p. 102: . . *ὑφ' ἣν τοὺς ἐκ τῶν νόμων εἰργομένους τινῶν ἢ τόπων ἢ πράξεων, εἰ μὴ ἀπέχοιντο αὐτῶν, ὑπῆγον*, and more in Sluiter Lectt. Andoc. p. 102; Platner's Beitr. p. 211—214; also Boeckh, Publ. Œcon. ii. p. 100—126.

6) *Ἀτίμητος ὁ ἀγών*, Meier u. Schöm. p. 192, comp. Platner, i. p. 287.

7) Generally the *ἔνδεκα*, comp. the Schol. Aristoph. Vesp. 1108, and below, §. 139; the *ἔνδειξις* however frequently took place (compare Tittmann, p. 229; Bernard. de Archont. p. 63), and sometimes also the *ἀπαγωγή*, before the Archons, both the chief Archon (Æschin. adv. Timarch. c. 64) and the Thesmothetæ, Demosth. adv. Aristocr. p. 630. 16; Lycurg. adv. Leocr. c. 30). On the part the senate of 500 had in these proceedings, see above, §. 127. n. 11; Matthiæ, de Jud. p. 235, denies that it was at all concerned in those of *ἔνδειξις*.

8) Æschin. adv. Timarch. c. 37: *οἱ μὲν ἐπ' αὐτοφώρῳ ἁλόντες, ἐὰν μὲν ὁμολογῶσι, παραχρῆμα θανάτῳ ζημιοῦνται, οἱ δὲ λαθόντες καὶ ἕξαρνοι γινόμενοι κρίνονται ἐν τοῖς δικαστηρίοις*. Demosth. adv. Timocr. p. 721. 18: *τῶν κακουργούντων τοὺς ὁμολογοῦντας ἀνεὺ κρίσεως κολάζειν κελεύουσιν οἱ νόμοι*: compare p. 764. 26, and, as regards the archons in particular, Poll. viii. 86: *κοινῇ μὲν ἔχουσιν ἐξουσίαν θανάτου, ἐάν τις κατίῃ, ὅπου μὴ ἔξεστιν*. Did the senate of 500 also possess this power? see Lysias, de Dardan, c. 2.

9) See above, §. 53, and §. 107, extr.; and compare de jure magg. p. 66, sqq.; Tittmann, p. 237; Wachsm. ii. 1. p. 305, sq.

10) Æschin. adv. Ctesiph. c. 7; compare Demosth. adv. Macart. p. 1076. 20: *κύριος ἔστω ἐπιβάλλειν κατὰ τὸ τέλος, ἐὰν δὲ μείζονος ζημίας ἄξιος δοκῇ εἶναι . . . . εἰσαγαγέτω εἰς τὴν Ἡλιαίαν*, and more on the subject at large, in the Scholiast, Aristoph. Vesp. 769; Taylor ad Lysiam, p. 220, Rsk.; Meier de bonis, p. 236; Hefftter, p. 415—420; Meier u. Schömann, pp. 34, and 565; Platner, i. p. 309—314.

§. 138. We have seen that it wholly depended on lot who should be the judges in any case, but the authorities[1] who first received accusations, drew up the indictment, brought the case before a court, and conducted the prosecution, who attended in fact to all which was understood in Athenian law by the *ἡγεμονία τοῦ δικαστηρίου*[2], were defined and distinct, differing in different cases. This *ἡγεμονία τοῦ δικαστηρίου*, was possessed by all the public authorities in virtue of their office, being exercised by every public officer in his own department[3], nor does it appear to have been the main business of any of the public bodies, unless perhaps of the Archons and the Eleven: the former may

certainly be considered as regular and permanent εἰσαγωγεῖς[4]. The first, who was called the Archon by pre-eminence, and Eponymus, because the year was named after him[5], took cognizance in particular of disputes concerning inheritance, and all suits between members of the same family[6]; the second, the βασιλεύς, attended to whatever was connected with the religion of the state and public worship, and consequently to all the cases which ultimately came before the Areopagus or the Ephetæ[7]. The third Archon, the πολέμαρχος[8], attended to the personal and family interests of the metics, and foreigners in general[9]; any other cases, public or private, which did not come under the cognizance of some of the other authorities of the state, were examined by the six remaining Archons, the Thesmothetæ[10], who seem[11] in fact to have formed a board ("Collegium") expressly for this purpose. Each of the three first Archons named two assistants of his own choice, subject to the approbation of the state[12]; we meet also with σύμβουλοι of the Thesmothetæ. Consistently with what has been here advanced, it is to be remarked, that the nine Archons seldom appear to have exercised any general authority as such[14].

1) Compare Dem. adv. Lacrit. p. 940; adv. Pantæn. p. 976; Isocr. π. ἀντιδ. p. 109, Orell.; Bekk. Anecdd. p. 310; Sigonius de Rep. Ath. iv. 3; Matthiæ de Jud. p. 243—250; Tittmann, p. 228—235; Heffter, p. 19—31; Meier u. Schöm. p. 33—122; Wachsm. ii. 1. p. 307—311.

2) Harpocratio, p. 136: ἄλλαι πρὸς ἄλλους ἄρχοντας ἐλαγχάνοντο δίκαι· τὰς δὲ ἀπενεχθείσας αἱ ἀρχαὶ κατὰ τὸν αὐτὸν ἑκάστη νόμον εἰσῆγον εἰς δικαστήριον, ἡγουμένη καὶ προεστῶσα, comp. Heffter, p. 16; Meier u. Schömann, p. 25—38.—The law however, as given by Demosth. adv. Aristocr. p. 629. 24, enacted: εἰσφέρειν δὲ τοὺς ἄρχοντας, ὧν ἕκαστοι δικασταί εἰσι, τῷ βουλομένῳ, τὴν δὲ Ἡλιαίαν διαγιγνώσκειν.

3) Æschin. adv. Ctesiph. c. 4; for instance, the ἐπιστάται τῶν δημοσίων ἔργων, the ἐπιμεληταὶ τοῦ ἐμπορίου, see above, §. 136. n. 6; the Strategi, Logistæ, etc.; see below, part iv. of this chapter.—According to Baumstarck, de Curat. Empor., particularly p. 47, sqq. and 57, sqq., most of these magistrates had no ἡγεμονία of their own, being only ἐπαγωγεῖς, not εἰσαγωγεῖς; but see my Dissertatio de jure magg. p. 40, sqq.

4) Concerning the Archons, see Poll. viii. 85, sqq.; Meursius de Archont. i. 9; Bernard de Archontibus (in Ann. Acad. Lov. 1825—24), p. 67, sqq.; Hüllmann's Staatsr. p. 271—280, and, on their extra judicial

duties in particular, Tittm. p. 257—265.—It must not be imagined that the *εἰσαγωγεῖς* (Poll. viii. 93) and *ἐπαγωγεῖς* (ibid. 101) were themselves distinct classes of magistrates. See Hudtwalcker's Diætetæ, p. 70; Meier u. Schömann, p. 67.

5) Hence called *ἐπώνυμος*, see Corsini, Fast. Att. Diss. ix. et sqq.; though this did not form part of their official title. See Meier u. Schöm. p. 41, sq.—Concerning the Archons who have been called Pseudeponymi, consult Dodwell, de Cyclis Diss. iii. §. 40, sq.; Corsini, F. A. Diss. vii. and viii.; Schömann, de Com. p. 137—145.—Dodwell considers them the same with the *ἐπιστάται πρυτανέων*; Corsini is of opinion that the Epistates was one of the Archons (comp. Palmer. Exercitt. in Auct. Gr. p. 135); Schömann holds that they were *Archontes suffecti*, in which notion he is however opposed by Boeckh, ad C. Inscr. i. p. 153, and before him Biag., de Decret. Athen. p. 38, had said: *Quot Consules Romæ eponymis Consulibus suffecti fuere; attamen qui primi electi sunt Consules, anni eponymi exstitere;* (comp. Clinton's F. H. ii. p. xiv.) Spengel, in his work, über d. sogenannten Pseudeponymi, in Demosth. Rede für Ktesiphon, in the Rhein. Mus. ii. p. 401, pronounces them all to be interpolations. Boeckh, again, recognises in them the *γραμματεῖς κατὰ πρυτανείαν*; see §. 127. n. 17, and compare Winiewski, l. l. p. 340, sqq.

6) See Heffter, p. 96, and the other authorities cited above in notes 1 and 4.

7) See the same, and Hüllmann's Anfänge, p. 256—258; Matthiæ, de Jud. p. 159, sq.; Schubert, de Ædil. p. 32—38; comp. above, §. 103. n. 2.—On the *στόα βασιλέως*, see the commentt. on Plat. Euthyphr. init., and Leake, p. 95.

8) The latest trace of the military character of this office occurs in Herodot. vi. 109; comp. de jure magg. p. 19.

9) Harpocratio: *ὅσα τοῖς πολίταις ὁ ἄρχων, τοῖς μετοίκοις ὁ πολέμαρχος.* Compare Neumann ad Aristot. Fragm. p. 93.—*Forum rei*, Dem. adv. Steph. p. 1136. 7.—*Κατεγγυᾶν πρὸς τὸν πολέμαρχον*, Demosth. adv. Zenoth. p. 890. 10; adv. Neær. p. 1358. 19; compare Schöm. att. Proc. p. 580.

10) May we venture, with Tittmann, p. 262, sqq., and Bernard, l. l. p. 88, to infer from the Scholiast on Aristoph. Plut. 277, that there were two classes of Thesmothetæ? See Meier u. Schömann, p. 60, and, on that passage of the Scholiast more particularly, Matthiæ de Judd. p. 255. n. 37; Philol. Blätter (Bresl. 1817), i. p. 102; Schömann de sortit. Judd. p. 12, according to whom indeed, the very existence of ten Thesmothetæ has no other foundation than the confusion respecting the Archons, noticed above, §. 109. n. 2; these with the *γραμματεὺς* (see §. 134. n. 4, and compare de jure magg. p. 51) making exactly the number.

11) See Heffter, p. 26, against Hüllmann, Staatsr. p. 279.—As a separate court they would seem to have constituted a board of police (Demosth. c. Mid. c. 11); see Schubert, l. l. p. 78.

12) Poll. viii. 92: *Πάρεδροι δ' ὀνομάζονται, οὓς αἱροῦνται ἄρχων καὶ βασιλεὺς καὶ πολέμαρχος, ἕνα ἕκαστος, οὓς βούλεται. Δοκιμασθῆναι δ' ἐχρῆν αὐτοὺς ἐν τοῖς πεντακοσίοις, εἶτ' ἐν δικαστηρίῳ.* In Harpocratio (see Neumann, l. l. p. 91) the *βασιλεὺς* is omitted: but there is positive testimony for him in Demosth. adv. Neær. pp. 1369. 20; 1373. 21. Compare at large, Th. Sell de Assessoribus Archontum apud Athenienses (acc. Spec. Obss. Misc., L. B. 1719); Bernard, l. l. p. 98; Schubert, l. l. p. 42, and de jure magg. p. 27, sqq.

13) Demosth. adv. Theocr. p. 1330. 15; compare Meier u. Schöm. p. 58.

14) Diogen. Laert. i. 58., certainly says, speaking of Solon; *πρῶτος τὴν συναγωγὴν τῶν ἐννέα ἀρχόντων ἐποίησεν εἰς τὸ συνειπεῖν*: comp. Suidas and Bekk. Anecdd. s. v. *ἄρχοντες οἱ ἐννέα* (p. 449. 17): *πρὸ τῶν Σόλωνος νόμων οὐκ ἐξῆν αὐτοῖς ἅμα δικάζειν, ἀλλ' ὁ μὲν βασιλεὺς καθῆστο παρὰ τῷ καλουμένῳ βουκολείῳ—τὸ δὲ ἦν πλησίον τοῦ πρυτανείου—* (Poll. viii. 111), *ὁ πολέμαρχος ἐν Λυκείῳ*, (Meurs. Ath. Att. ii. 3, Leake, p. 211), *ὁ ἄρχων παρὰ τοὺς ἐπωνύμους* (§. 111. n. 2), *οἱ θεσμοθέται παρὰ τὸ θεσμοθέσιον· κύριοι δὲ ἦσαν ὥστε τὰς δίκας αὐτοτελεῖς ποιῆσαι· ὕστερον δὲ Σόλωνος οὐδὲν ἕτερον αὐτοῖς τελεῖται, ἢ μόνον ὑποκρίνουσι τοὺς ἀντιδίκους.* But see, Poll. viii. 86, 87, and compare Bernard, p. 60. They were concerned in all cases of Epichirotonia, Ostracism, and elections by nomination; and perhaps in those of *γραφὴ παρανόμων*, see Meier und Schömann, p. 41.

§. 139. The Eleven[1] were annually chosen by lot, being probably one from each phyle, and a secretary[2]; they constituted one of the highest authorities in the state, and were charged with the execution of all legal sentences[3]. Hence we find them take an active part in confiscations, which they made over to the *πωληταὶ* for public sale[4]; but the public prison was the chief object of their official care[5], not only as a place of punishment in general[6], but also of execution[7]; they had accordingly under them, jailors, executioners, and torturers[8]. The cases consequently, in which these magistrates possessed a *ἡγεμονία δικαστηρίου*,[9] can have been only such as arose from the execution of a sentence already passed, not those in which it was to be obtained, chiefly those of *ἀπαγωγὴ* and *ἐφήγησις*[10], sometimes too of *ἔνδειξις*[11], and, *so far*, common malefactors and gross disturbers of the public peace[12], were objects of the jurisdiction of the Eleven[13]. For as in these instances of summary proceeding the fact was indisputable, and the punishment already defined by law, whatever difficulties and questions might arise concerning them, were nothing else than hindrances to the execution of the law, and could be submitted to the judicial power by none others than those charged with that execution. As regards the Eleven who formed part of the government in the time of the

Thirty, they were totally distinct from those we have been here considering [14].

1) Compare on this subject at large, Sigonius de Rep. Ath. iv. 3. p. 548; Fischer ad Plat. Apol. Socr. c. 27. n. 10; Sluiteri Lectt. Andoc. p. 256—261; Fr. W. Ullrich, über die Eilfmänner zu Athen, appended to his translation of four of the Platonic Dialogues, (Berlin, 1821.) p. 223—273., with Meier's criticism of the same, in the att. Proc. p. 68—77; Schubert de Ædil. p. 93—96.

2) Poll. viii. 132.—Perhaps from the time of Aristides; Heracl. Pont. c. i. §. 10; comp. Ullrich, p. 254, and Meier ubi sup.

3) Platner's Pr. u. Kl. i. p. 429, sqq.—Schöm. att. Proc. p. 740; "the power which the Archons are said to have possessed of inflicting death on certain offenders," (see above, §. 137. n. 8.) "means only, that they might hand them over to the Eleven for execution." Comp. Dinarch. adv. Aristog. c. 13: *ἐνδειχθεὶς καὶ παραδοθεὶς τοῖς ἕνδεκα κατὰ τοὺς νόμους.* See at large Ullrich, p. 230.

4) Etymol. M. p. 338. 36: *εἰσῆγον δὲ καὶ τὰ ἀπογραφόμενα, χωρία, οἰκίας, καὶ τὰ δημόσια εἶναι δόξαντα παρεδίδουν τοῖς πωληταῖς.* Conf. Meier de bonis damn. p. 209.—Aristotle indeed says, Pol. vi. 5. 7. *πολλαχοῦ δὲ διῄρηται καὶ ἡ φυλάττουσα (ἀρχὴ) πρὸς τὴν πραττομένην οἷον Ἀθήνησι τῶν Ἑνδεκα καλουμένων*, but he meant probably the *πράκτορες*.

5) Bekk. Anecdd. p. 250, 5: *προϊστάμενοι τοῦ δεσμωτηρίου*, hence called *δεσμοφύλακες* by the Scholiast on Aristoph. Vesp. 1108, or *θεσμοφύλακες*, i. e. *νομοφύλακες*? Compare Ullrich, p. 260, sqq., Meier Att. Proc. p. 72, and above, §. 129, n. 15.—On the prison at Athens, see the commentt. on Plat. Phæd. c. 1—3, where, however, the *δικαστήριον* in the vicinity of which the prison lay, has been wrongly understood to mean the *στόα βασιλέως*. It was in the Agora; comp. Plat. de Legg. x. p. 908, A; on the question whether there was only one prison at Athens, or several, see Ullrich, p. 231, sq.

6) Comp. Wachsm. ii. 1. p. 250. But it was seldom a mere place of confinement, (comp. Plat. Apol. Socr. p. 37. C), serving generally for executions and punishments; thus Demosth. adv. Timocr. p. 733. 8: *δεδέσθαι δ' ἐν τῇ ποδοκάκῃ τὸν πόδα πενθ' ἡμέρας καὶ νύκτας ἴσας, ἐὰν προστιμήσῃ ἡ 'Ηλιαία'—ἡ δὲ ποδοκάκη αὕτη*, adds Lysias adv. Theomnest. c. 16, *ἐστὶν ὃ νῦν καλεῖται ἐν τῷ ξύλῳ δεδέσθαι.* See Petiti Legg. p. 461. On the imprisonment of debtors, see Hudtwalcker, p. 153, and Schömann, p. 745. Hence the phrase *καταδεῖν τὴν ἐπὶ θανάτῳ*, Herod. v. 72.

7) Chiefly by hemlock juice, *κώνειον*, comp. S. F. Dresig de cicuta Athenis poena publica, (Lips. 1733.) J. J. Bosii Diss. duæ de potionibus mortiferis, (Lips. 1736—37.) Strangling (*στραγγάλη, βρόχος*, Plut. Vit. Agid. 20,) was not common in Athens; Plut. Them. c. 22, is an authority only for later usage:—Common malefactors suffered by *ἀποτυμπανισμὸς* and the *βάραθρον*, see Wachsm. ii. 1. p. 254.

8) *Ὁ τῶν ἕνδεκα ὑπηρέτης* (Plat. Phæd. p. 116. B; Xenoph. Hell. ii. 3. 54); *οἱ παραστάται* (Bekk. Anecdd. p. 296. 32; comp. the commentt. on Aristoph. Plut. 326., p. 175, Beck.); *ὁ δημόκοινος* (Antiph. de Venef. c. 20), *δημόσιος* (Æschin. F. L. c. 35), or *δήμιος* (he was *ἄτιμος*, comp. Strabo, vi. p. 397. A), also called *ὁ ἐπ' ὀρύγματι*, (Meurs. Lectt. Att. i. 25; Hauptmann de Andocide c. 9; t. viii. p. 611, Rsk.); comp. at large, Herodian., post Phrynich. Lobeck. p. 474; Ullrich, p. 233.

9) Aristoph. Vesp. 1147; ἐν παραβύστῳ? Meurs. Lectt. Att. ii. 9; Taylor. ad Demosth. Timocr. t. iv. p. 204, Schæferi; Meier de bonis p. 3; Schömann de sort. judd. p. 28; Ullrich, p. 252.

10) See above, §. 137, n. 7; comp. Demosth. Timocr. p. 735, sq., and more in Ulrich, p. 244, sqq.

11) Ullrich, p. 249. Probably when the accused person had been imprisoned, see (§. 137. n. 2.) as in the case of εἰσαγγελία mentioned in Demosth. l. l. p. 720. 20.

12) Antipho de cæde Herod. c. 9: πρῶτον μὲν γὰρ κακοῦργος ἐνδεδειγμένος φόνου δίκην φεύγω, ὃ οὐδεὶς πώποτ' ἔπαθεν ἐν τῇ γῇ ταύτῃ.— Περὶ γὰρ τῶν κλεπτῶν καὶ λωποδυτῶν ὁ νόμος κεῖται. Compare at large Herald. Obss. ad J. A. et R. iii. 16. p. 261—264; Ullrich, p. 246; Meier u. Schömann, p. 229; Platner's Pr. u. Kl. ii. p. 167—170. who reckons among the κακοῦργοι, not only thieves, κλέπται, but ἀνδραποδισταὶ, *plagiarii*; (see Lysias, adv. Theomn. c. 10.) λωποδύται, *grassatores*, (the term ἱματιοκλέπται is not attic; comp. Victor. Var. Lectt. vii. 17; Taylor ad Demosth. t. iv. p. 242, Schæferi), τοιχώρυχοι, *parietum perfossores*, τυμβώρυχοι, *bustirapi*, *sectores zonarii*, βαλαντιότομοι, and γόητται, jugglers, (see Sturz ad Empedocl. Fragm. p. 37—46.)

13) Hence ἐπιμεληταὶ τῶν κακούργων, Antiph. de cæde Herod. c. 17.

14) Plat. Epist. vii. p. 342. C; coll. Xenoph. Hell. ii. 4. 38; Andoc. de Myster. c. 90; Meier de bonis, p. 187, sqq., although Ullrich, p. 258, sqq., confounds one with the other.

§. 140. The proceedings both in public and private actions, commonly began[1] by a summons of the *accused* by *the accuser*[2] in person, and attended by his witnesses[3]; this took place in court. The indictments was then given in to the proper authorities[4] in writing, and attested by the witnesses; without this attestation[5], it could not be received[6]; against a false accusation, the defendant had recourse to the γραφὴ ψευδοκλητείας[7]. In private suits, the parties then proceeded each to deposit forfeit-money, πρυτανεῖα[8]. In a suit for sums of from 100 to 1000 drachmas, three drachmas was the amount to be paid for each party; for sums of from 1001 to 10,000 drachmas, thirty drachmas, and so on progressively in that proportion[9]. The loser refunded the expense the other thus incurred[10]. In public suits, mention is only occasionally[11] made of a παράστασις, paid in by the accuser at the commencement of the proceedings, as his contribution to the expense attending them[12]. Different from both these was the

παραταβολή, a deposit made by parties who put in conflicting claims to possession or inheritance of property [13]. In claims on property forfeited to the state, one-fifth of the amount of the claim was deposited [14]; in private suits only a tenth [15]. In cases of appeal, the deposit was called παράβολον [16].

1) For a brief account, see Matthiæ, l. l. p. 257, sqq.; Wachsm. ii. 1. p. 323, sqq.

2) Κλῆσις, πρόσκλησις, see Schöm. att. Proc. p. 575—593; Platner's Proc. u. Kl. i. p. 114, sqq.; Petiti Legg. iv. 2. p. 401, sqq.

3) Κλητῆρες, κλήτορες, κλητεύοντες, comp. Aristoph. Nub. 1219.—Were these the constant attendants in the courts, ὑπηρέται τῶν δικαστῶν, (Lex. Rhetor. post Phot. Pors. p. 677)? Salmas. Misc. Defens., p. 858; Ast. ad Plat. Legg. p. 422. On the other hand, see Herald. Obs. ad J. A. et R. vi. 12. p. 473; Hudtwalcker's Diät. p. 28; Heffter, p. 282, who, however, is right in asserting that particular summonses were issued in cases from beyond the seas. Comp. Aristoph. Av. 1422, and especially 147, κλητῆρ' ἄγουσ' ἔσωθεν ἡ Σαλαμινία.—See further details in Platner, i. p. 116, and on the Σαλαμινία and Πάραλος, comp. Meurs. Lectt. Att. ii. 7; and Petiti Miscell. iii. 5.

4) Λῆξις δίκης, λαγχάνειν πρὸς ἄρχοντα, τινὶ τινὸς, comp. Taylor ad Lysiam, p. 596, Rsk.; Ruhnk. ad Tim. p. 173; Schöm. ubi sup. p. 595—598.

5) Ἀπρόσκλητος δίκη, Demosth. Mid. c. 25. p. 544. 3.

6) Schömann, p. 600, sqq.; Platner, i. p. 123, sq. and on the phrase διαγράφειν in general, Ruhnk. ad Tim. p. 81, sq.

7) Demosth. adv. Nicostr. p. 1251. 20, and more in Boeckh in his Ind. Lectt. hib. 1817—18; Platner, i. p. 417, sqq.

8) Πρυτανεῖα, *sacramentum*, hence πρ. θεῖναι, to accuse, Aristoph. Nubb. 1145. See Heffter, p. 239, and on law expenses in general, Boeckh, Publ. Œcon. ii. p. 64., sqq. Schömann, Att. Proc. p. 612—621; Platner, i. p. 174, sqq.

9) "*In levibus autem causis sacramentum non deponebant, eaque causæ ἄνευ πρυτανείων dicebantur, teste Hesychio,*" says Valesius ad Harpocrat. p. 165.

10) Pollux, viii. 38: . . . ὁ δὲ ἡττηθεὶς ἀπεδίδου τὸ παρ' ἀμφοτέρων δοθὲν, ἐλάμβανον δὲ αὐτὸ οἱ δικασταί. Comp. also Valesius, l. c. p. 325.

11) Harpocratio, p. 235: Ἀριστοτέλης δ' ἐν Ἀθηναίων πολιτείᾳ περὶ θεσμοθετῶν φησὶν οὕτως· εἰσὶ δὲ γραφαὶ πρὸς αὐτοὺς, ὧν παράστασις τίθεται, ξενίας καὶ ὑωροξενίας καὶ ψευδεγγραφῆς καὶ ψευδοκλησίας καὶ ψευδοκλησίας καὶ βουλεύσεως καὶ ἀγραφίου καὶ μοιχείας. Also in cases of ἐπιδικασία; see Andoc. de Myster. c. 120. That it amounted only to one drachma, has been concluded by Boeckh, from the single case of the παράστασις before the Diætetæ; see below, §. 145. Comp. Heffter, p. 129.

12) The following were exceptions: Isæus de Pyrrh. c. 46: οὔτε πρυτανεῖα οὔτε παράστασις οὐδεμία τίθεται τῶν εἰσαγγελῶν. Isocr. adv.

Lochit. init.: περὶ μόνου (?) τούτου τῶν ἀδικημάτων (αἰκίας and ὕβρεως) καὶ δίκας καὶ γραφὰς ἄνευ παρακαταβολῆς ἐποίησαν. On the Phasis, (§. 136.) see Boeckh, Publ. Œcon., ii p. 95, sq. and a different account Schömann, Att. Proc. p. 614.

13) Harpocratio, p, 232: οἱ ἀμφισβητοῦντες χρημάτων τινῶν δεδημευμένων πρὸς τὴν πόλιν, καὶ οἱ περὶ κλήρων ἢ ἐπικλήρων πρὸς ἰδιώτας ἀντιδικοῦντες ἀργύριόν τι κατετίθεσαν, καὶ τούτου ἐχρῆν αὐτοὺς στέρεσθαι, εἰ τὴν δίκην ἡττηθεῖεν. See more in Boeckh's Publ. Œcon. ubi supra.

14) Ἐνεπισκήπτεσθαι, see Demosth. adv. Timoth. 1197, sq.; Meier de bonis damn. p. 220—225; Blum, Prolegg. ad Demosth. Timocr., p. 25; Heffter, p. 276; Platner, Proc. und Klag, ii. p. 125, sqq. comp. his Beitr. p. 215.

15) Διαδικασίαι, see above, §. 121. n. 7; and comp. Demosth. adv. Macart. p. 1051. 22: κηρύττοντος τοῦ κήρυκος, εἴ τις ἀμφισβητεῖν ἢ παρακαταβάλλειν βούλεται τοῦ κλήρου ἢ κατὰ γένος ἢ κατὰ διαθήκας, also Pollux, viii. 32; Harpocratio, p. 20; and more in Bunsen de jure hered. p. 86—92; Otto, l. l. ii. p. 5, sqq.; Meier att. Proc. p. 368; Platner, ii. p. 17, sq.

16) Poll. viii. 63: τὸ δὲ παρακαταβαλλόμενον ἐπὶ τῶν ἐφέσεων, ὅπερ οἱ νῦν παραβόλιον καλοῦσι, παράβολον Ἀριστοτέλης λέγει. See more below, §. 145.

§. 141. After this preliminary, the proceedings before the magistrate, properly speaking, began[1] by each party attempting to make good his case[2]; to this end they attested on oath[3] the truth of their respective assertions; but if the defendant, instead of abiding the result of the suit[4], and thus giving evidence on it, produced a counter plea[5], the original case was suspended until judgment had been obtained, from a full court of judges, on this counter plea[6]. If, however, either party fully established his case before the magistrate[7], the latter could give sentence at once and of his own authority[8], as very commonly happened in disputes respecting inheritance[9]; the party who was cast had then no resource but by recurring to the δίκη ψευδομαρτυριῶν against his adversary's witnesses[10]. The proceedings before the magistrates, however, seldom went farther than the receiving depositions and evidence[11], which was sealed up in cases[12], and kept till the day of trial. Besides the evidence of documents and witnesses, the depositions of slaves on

the rack[13] were also received, being, in fact, considered of more weight than the testimony of freemen[14]. These were taken by regular officers, whose business it was to preside at the torture[15]. Any one might offer his own slave to be thus examined, or demand that of his opponent[16]; if the latter refused, the refusal afforded a presumption against him; for which reason, this, and similar challenges, (*προκλήσεις*)[17], were frequently resorted to, in order to supply the deficiency of other evidence[18].

1) *Ἀνάκρισις*, comp. Petiti Legg. iv. 3. p. 405, sqq.; Heffter, p. 285, sqq.; Schömann, Att. Pr. p. 622, sqq.; Platner, i. p. 131, sqq.; Bernard. de Archont. p. 61, sqq.

2) *Ἀντιγραφή*, comp. Demosth. adv. Stephan. i. p. 1115, and particularly Plat. Apol. Socr. p. 27. C., a passage which has been overlooked by Schömann, p. 629.—Sometimes a counter plea was set up, *ὅταν τις κρινόμενος ἀντικατηγορῇ*, Poll. viii. 58, see Schömann, p. 651—657.

3) Hence *διωμοσία*, or *ἀντωμοσία*, *καλεῖται δὲ οὕτως*, says Harpocr. p. 31, *ἐπειδὴ ἀντώμνυον οἱ διώκοντες καὶ οἱ φεύγοντες, οἱ μὲν ἀληθῆ κατηγορῆσαι, οἱ δὲ ἀληθῆ ἀπολογήσασθαι.* See more in Hudtwalcker Diätet. p. 75, sqq.; Heffter, p. 299, and Plat. de Legg. xii. 4. p. 948, who derives the practice from Rhadamanthus; compare Höck's Kreta, ii. p. 198.

4) *Εὐθυδικία*, conf. Argum. Demosth. adv. Phorm. p. 906. 13: *ταῦτα γάρ ἐστι τὴν εὐθυδικίαν ἀγωνιζόμενον καὶ τοῖς ἐπιφερομένοις ἐγκλήμασιν ἀπαντῶντος, ἀλλ' οὐκ ἀναιροῦντος τὸν περὶ αὐτὸν ἀγῶνα καὶ τὴν εἰσαγωγὴν τῆς δίκης.* See p. 908. 8.

5) Pollux, viii. 57: *Παραγραφή, ὅταν τις μὴ εἰσαγώγιμον εἶναι λέγῃ τὴν δίκην, ἢ ὡς κεκριμένος, ἢ ὡς ἀφειμένος, ἢ ὡς τῶν χρόνων ἐξηκόντων, ἐν οἷς ἔδει κρίνεσθαι . . . οἷον οὐκ εἰσαγγελίας, ἀλλὰ παρανόμων, οὐ δημοσίᾳ ἀλλ' ἰδίᾳ· ἢ ὡς οὐ παρὰ τούτοις κρίνεσθαι δέον.* See more in Petit. iv. p. 429—432; Heffter, p. 289—298; Schöm. p. 631—638; 644—650; Platner, i. p. 138—160.—The time within which it was requisite that an action should be brought (*προθεσμία*), was five years, at the latest, see Demosth. adv. Phorm. p. 952. 19; adv. Nausim. p. 989. 17; 993. 4; in cases of contracts only one (*τὰς ἐγγύας ἐπετείους εἶναι*, Demosth. adv. Apatur. p. 901. 8.)

6) Pollux, viii. 58: *καὶ ἡ παραγραφὴ δὲ ἀντιγραφῇ ἔοικε, διὸ καὶ προσαναγκάζεται.* Compare the orations of Demosthenes against Zenothemis, Apaturius, Phormio, Lacritus, Pantænetus, Nausimachus, and Xenopithes, and for Phormio.—The appellant then spoke first, comp. Demosth. adv. Stephan. p. 1103. 10: *προλαβὼν δέ μου ὥστε πρότερος λέγειν, διὰ τὸ παραγραφὴν εἶναι καὶ μὴ εὐθυδικίᾳ εἰσιέναι*, and Hudtw. p. 153, sq.

7) *Διαμαρτυρία*, says Harp. p. 84, *τρόπος τις ἦν παραγραφῆς . . . . διαφέρει δὲ τῷ τὴν διαμαρτυρίαν γίνεσθαι οὐ μόνον ὑπὸ τῶν φευγόντων ἀλλὰ καὶ ὑπὸ τῶν διωκόντων.* Hence also it is sometimes contrasted with the *εὐθυδικία*; comp. Isæus de Philoctem. c. 3 and 43; de Apollod. c. 3; and more in Schöm. p. 639—644; Platner, i. p. 163—174.

8) Demosth. adv. Leochar. p. 1098. 3: *ἔτι τοίνυν τὸ τῶν διαμαρτυρούντων μέρος οὔτε δικαστήρια ἦν ἂν, οὔτε ἀγῶνες ἐγίγνοντο· κωλύει γὰρ πάντα ταῦτα τὸ τῶν διαμαρτυριῶν γένος καὶ ἀποκλείει εἰσαγωγῆς τῆς εἰς τὸ δικαστήριον.*[1] Comp. Heffter, p. 348—356. If, as often happened, the suit nevertheless[2] proceeded, it was because the *διαμαρτυρία* was directed only against particular counts and incidental paragraphs of the indictment. Compare, for instance, Lysias adv. Pancleon. c. 14.

9) *Διαδικασίαι*, comp. §. 121. n. 7; §. 140. n. 15.

10) Isæus says, very pointedly, de Dicæog. c. 16: *μελλόντων δ' ἡμῶν ἀντόμνυσθαι διεμαρτύρησε Δεωχάρης οὑτοσὶ μὴ ἐπίδικον εἶναι τὸν κλῆρον ἡμῖν. Ἐπισκηψαμένων δ' ἡμῶν, ἡ μὲν λῆξις τοῦ κλήρου διεγράφη, ἡ δὲ τῶν ψευδομαρτυριῶν δίκη εἰσῆλθε.* Comp. also Harpocratio, l. l. and s. v. *αὐτομαχεῖν*, p. 57.

11) Aristot. Rhetor. i. 15. 2: *εἰσὶ δὲ πέντε τὸν ἀριθμόν· νόμοι, μάρτυρες, συνθῆκαι, βάσανος, ὅρκος*, comp., on this point at large, Heffter, p. 301, sqq.; Schömann, p. 658, sqq.; Platner, i. p. 213, sqq.; Wachsm. ii. 1. p. 329, sqq.

12) *Ἐχῖνος, ἄγγος τι χαλκοῦν ἢ καὶ ἐκ κεράμου*, see Schol. Aristoph. Vesp. 1436, and more in Hudtw. p. 128; Neumann ad Aristot. Fragm. p. 74. Comp. especially, Demosth. adv. Bœot. de nom. p. 999. 17: *ταῦτα εἰ μὴ σεσημασμένων ἦλθη συνέβη τῶν ἐχίνων, κἂν μάρτυρας ὑμῖν παρειχόμην.*

13) *Βάσανος*, comp., at large, Mich. Henr. Gribner Obss. de usu tormentorum apud Athenienses, in his Opusce. select. Juris publ. et priv. (Hal. 1722), part v. p. 156—162; J. F. Reitemeier Comm. de origine et ratione quæstionis per tormenta apud Græcos et Romanos, (Gött. 1783); E. C. Wesphal, die Tortur der Griechen, Römer, und Deutschen (Halle, 1785); and, for the different sorts of torture in use among the ancients, (*κλίμαξ, τρόχος, ὑστριχίς, κ. τ. λ.*, Aristoph. Ran. v. 630), Jo. Laurent. de rebus publ., etc., c. vii., in Gron. Thes. t. vi. p. 3687—3710.—The freeman was exempt from it by the decree of Scamandrius, Andoc. de Myster. c. 43; comp. Meier de bonis, p. 53.

14) Anaxim. Rhetor. xvi. 1: *πιστότερόν ἐστι βάσανος μαρτύρων· τοῖς μὲν γὰρ μάρτυσι συμφέρει πολλάκις ψεύσασθαι· τοῖς δὲ βασανιζομένοις λυσιτελεῖ τἀληθῆ λέγειν.* See the numerous quotations from the orators, given by Hudtwalcker, p. 51, and, on the ease with which false witnesses might be procured, Demosth. adv. Apatur. p. 904. 10; adv. Callicl. p. 1273. 21; compare the expression, *ἐργαστήρια μοχθηρῶν ἀνθρώπων*, which occurs, adv. Zenoth. p. 885. 2; adv. Pantæn. p. 978. 6; adv. Bœot. p. 1010. 24.

15) *Βασανισταί*, Hudtwalcker, p. 170, sqq.

16) See Antipho de Choreuta, c. 23; Isæus de Philoct. c. 16.

17) Demosth. adv. Steph. p. 1106. 6: *οἶομαι γὰρ πάντας ὑμᾶς εἰδέναι, ὅτι, ὅσα μὴ δυνατὸν πρὸς ὑμᾶς ἀγαγεῖν ἐστὶ τῶν πεπραγμένων, τούτων προκλήσεις εὐρέθησαν . . . οἷον εἴ τι πέπρακται ἔξω που τῆς χώρας*, conf. adv. Zenoth. p. 887. 5: *ἐπὶ τὴν ἀρχὴν τῶν Συρακουσίων*, and also, *εἰς ὅρκον, βάσανον, ἐμφανῶν κατάστασιν* (Isæus de Philoctem. c. 31), *κ. τ. λ.* See Salmas. Misc. Deff. p. 884; Herald. Obss. ad J. A. et R. vi. 14. p. 479—487; Taylor ad Demosth. adv. Theocr. t. v. p. 477, Schæferi; especially Hudtwalcker, p. 41—58; and Heffter, p. 316—320; Wachsm. ii. 1. p. 338.

[1] Hence also they were stipulated for, generally in writing, or at least by verbal agreement. Demosth. adv. Pantæn. p. 978.

§. 142. The proceedings before the court itself[1] were simple; each party, regularly, spoke twice[2], sometimes but once; generally the senior first[3]; the length of the speeches depended on the number of clepsydræ[4] which the magistrate had assigned that each should have, according to the importance of the subject[5]. The water was stopped only whilst quotations from the laws, and other documents were being read[6]. The evidence[7] appears to have been generally presented by each party in writing, and to have been submitted to the witnesses in court to be confirmed by them on oath[8]. Any one who was ἔντιμος, and not very nearly related to the other party, might be legally compelled to give evidence[9], unless he positively asserted on oath his ignorance of the matter[10]. Against persons who failed in their promise to appear on evidence, the party interested might have recourse to an action for compensation of damages[11]. Both witnesses and principals were obliged to appear in court in person[12]; it was only on extraordinary occasions that the attestations of an absentee could be admitted or received, on report from another party[13]. As regarded the principals themselves, they were represented by their legal assistants, or counsel[14]; on whose pleadings, however, they seldom wholly rested their case[15]; whence it became very common to procure speeches drawn up by professional orators[16].

1) See Heffter, p. 320—325; Schömann, p. 704—728; Platner, i. p. 181—190.

2) Anaxim. Rhetor. xviii. 3: *τὸν μὲν νομοθέτην προστάξαι, δύο λόγους τῶν ἀντιδίκων ἑκάστῳ ἀποδοῦναι*: comp. Antiph. de Choreuta, c. 14; Demosthenes indeed gives a different account, de F. L. p. 407. 17.

3) Argum. Demosth. adv. Aristog. i. p. 769; adv. Androt. p. 592. 22; comp. Herald. Obss. J. A. et R. vii. 16. p. 556; Platner, i. 122; and Æschin. F. L. c. 7. This, however, could take place only in public prosecutions, comp. Heffter, p. 243, Συγκατηγορεῖν.

4) Διαμεμετρημένη ἡμέρα, conf. Æschin. adv. Ctesiph. c. 63, and more in Neumann ad Aristot. Fragm. p. 72; Schömann, p. 713—716; comp. also Davis. ad Cic. Tuscul. ii. 26; and, on the name ἀνάγκη (Plat.

Theæt. p. 172. E?) Maussac. ad Harpocr. p. 163, sq. The Clepsydra is minutely described in Simplicius ad Aristot. de Cœlo, fol. 127, b. Comp. Peyron. de Emped. et Parmen. Fragm. (Lips. 1810), p. 5, sq., and G. C. Burchardi de ratione temporis ad perorandum in judiciis publ. apud Romanos (Kil. 1829.)

5) Comp. Demosth. adv. Macart. p. 1052. 20: *ἐξ ἀνάγκης γὰρ ἦν τῷ ἄρχοντι, ἀμφορέα ἑκάστῳ ἐγχέαι τῶν ἀμφισβητούντων καὶ τρεῖς χοὰς τῷ ὑστέρῳ λόγῳ*: Æschin. F. L. c. 35: *πρὸς ἕνδεκα γὰρ ἀμφορέας ἐν διαμεμετρημένῳ τῇ ἡμέρᾳ κρίνομαι.* Only the *δίκαι κακώσεως* were *ἄνευ ὕδατος*, comp. Harpocr. p. 161.—Hence the expressions, *ἐν τῷ ἐμῷ λόγῳ*, Æschin. F. L. c. 16), *παραδίδωμι τὸ ὕδωρ* (Dinarch. adv. Demosth. extr.), *ἐξέρα τὸ ὕδωρ*, κ. τ. λ.

6) *Ἐπίλαβε τὸ ὕδωρ*, Isæus de Menecl. c. 34; Lysias adv. Pancleon. c. 4, etc. Comp. Goethe's Reise nach Italien, p. 156.

7) On the witnesses in general, see Petiti Legg. iv. 7. p. 440—451; Salmas. Misc. Deff. c. 30, passim, with Herald. l. c. vi. c. 9, sqq.; Heffter, p. 304—310; Schöm. p. 665—678; Platner, i. p. 215—237; Wachsm. ii. 1. p. 332.

8) Æschin. adv. Timarch. c. 28; Isæus de Astyphil. c. 19; Demosth. adv. Aphob. p. 849. 15. But compare adv. Stephan. p. 1132. 10: *λελευκωμένον γραμματεῖον* and *μάλθη*, with the remarks of Herald. p. 459, and Platner, i. p. 232, sq.; on *μάλθη*, Poll. x. 58, with the doubts expressed by Martorelli de Theca Calam. i. p. 71—76.

9) Æschin. adv. Timarch. c. 20; compare Poll. viii. 37: *κλητεύεσθαί ἐστι τὸ καλεῖσθαι εἰς μαρτυρίαν, ἐκκλητεύεσθαι δὲ τὸ δίκην ὀφείλειν ἐπὶ τῷ τὰς χιλίας καταβαλεῖν*, on which see Salmas, l. c. p. 886; on the other hand Heraldus, p. 487, defines *κλητεύειν* as follows: *ei qui non aderat, quum ei denuntiatum erat, aut citatus non respondebat, pœnam legitimam irrogari postulare* — ?

10) Compare Isæus, de Astyphil. c. 18; Demosth. adv. Aphob. p. 850. 19, and particularly adv. Nexr. p. 1354: *τὸν δ' Ἵππαρχον ὑμῖν καλῶ καὶ ἀναγκάσω μαρτυρεῖν ἢ ἐξόμνυσθαι κατὰ τὸν νόμον, ἢ κλητεύσω αὐτόν.*

11) *Λειπομαρτυρίου δίκη*, see Meier u. Schömann, p. 387—392, coll. 673, where reference is rightly made to Demosth. adv. Zenoth. p. 890. 18, in refutation of Herald. p. 488, who had identified it with *κλητεύειν*, and limits the latter proceeding to public causes. Boeckh also seems to confound the two, Publ. Œcon. ii. p. 98. Compare Heffter, p. 307, who very correctly describes the *δίκη λειπομαρτυρίου* as a *δίκη βλάβης*, from Demosth. adv. Timoth. p. 1190.

12) Platner, i. p. 94; Schöm. p. 707, sqq. There was no legal age, (see §. 129. n. 5); compare Herald. l. c. p. 471.

13) Demosth. adv. Stephan. p. 1130, sqq.: *ἃ ἂν εἰδῇ τις καὶ οἷς ἂν παραγένηται γενομένοις, ταῦτα μαρτυρεῖν κελεύουσιν ἐν γραμματείῳ γεγραμμένα, ἵνα μήτ' ἀφελεῖν ἐξῇ μηδὲν, μήτε προσθεῖναι τοῖς γεγραμμένοις, ἀκόην δ' οὐκ ἐῶσι ζῶντος μαρτυρεῖν, ἀλλὰ τεθνεῶτος, τῶν δὲ ἀδυνάτων καὶ ὑπερορίων ἐκμαρτυρίαν γεγραμμένην ἐν γραμματείῳ*, κ. τ. λ. Compare Salmas. p. 824, sqq., and Herald. p. 461—463; and on the *ἐκμαρτυρία* see also Isæus de Pyrrh. c. 20, 21.

14) *Παράκλητοι*, Demosth. F. L. init.; Æschin. F. L. extr., *παρακαλῶ δὲ Εὔβουλον συνήγορον*, coll. adv. Ctesiph. c. 67; Demosth. l. l.

p. 434. 15; Andoc. de Myster. extr.: Δεῦρο, Ἄνυτε, Κέφαλε, ἔτι δὲ καὶ οἱ φυλέται οἱ ᾑρημένοι μοι συνδικεῖν. Compare at large, Salmas. Misc. Defl. p. 854, sqq.; Herald. l. c. vi. c. 10. 12. p. 452, sqq.; 467, sqq.; Heffter, p. 105. In course of time this became a trade; see Plat. de Legg. xi. extr.

15) Demosth. pro Phormione, init.: τὴν μὲν ἀπειρίαν τῶν λόγων καὶ ὡς ἀδυνάτως ἔχει Φορμίων, αὐτοὶ πάντες ὁρᾶτε. Still the party concerned seems to have said a few words, at least by way of preface, see adv. Nœr. init.

16) Anaxim. Rhetor. xxxvi. §. 22: ἐὰν δὲ διαβάλλωσιν ἡμᾶς, ὡς γέγραμμένους λόγους λέγομεν . . . ἢ ὡς ἐπὶ μισθῷ τινὶ συνηγοροῦμεν . . . (§. 24.) καὶ ἐάν τις ἡμᾶς δικάζεσθαι λέγῃ διδάσκειν ἢ λόγους δικανικοὺς συγγράφειν, κ. τ. λ. Conf. Plat. Euthyd. p. 272. A.; 289. D.; 305. A.; Phædr. p. 257. C., ibique Ast. (Ann. in Platon. Opp. i. p. 501); hence λογοποιοί, λογογράφοι i. q. σοφισταί, Demosth. de F. L. p. 417, extr., and more in Pierson ad Moer. p. 244.

§. 143. The judges gave their votes[1] as soon as the pleadings ended, and without deliberation[2], by white or black pebbles, or they used such as were solid or perforated[3]; an equality of votes was considered equivalent to an acquittal[4]. In case of conviction, the next proceeding was an estimate of the penalty to be imposed[5], not only in public, but in private suits[6], according as they were civil or criminal. Hence all causes were distinguished into two classes[7], ἀγῶνες τιμητοί, or ἀτιμητοί, according as the law had fixed the penalty[8] or left it to the discretion of the judges[9] to decide, after again hearing the parties on this point also[10], what fine or punishment[11] they would inflict[12]. There were cases in which the law enacted that one of the judges should propose an aggravation of the penalty[13]. If the sentence decreed the payment of damages, or of a fine, or surrender of disputed property, a time was fixed[14], within which, unless the condemned person gave full security to the prosecutor[15], he became subject to the δίκη ἐξούλης[16], which entailed an equal penalty to the state. In public suits, the convicted party was at once declared ἄτιμος, as a state debtor, and could then escape personal constraint only by means of securities; if the debt was not discharged

within the time appointed[17], it was doubled; and in case of still farther delay, the state might satisfy its demand by the seizure of all the debtor's property[18].

1) See Petiti Legg. p. 419, sqq.; Schömann, p. 720, sqq.; Platn. i. p. 188; particularly the *σκεύη δικαστικὰ* in Poll. viii. 16 (and x. 61): *σύμβολον, βακτηρία, πινάκιον, πινάκιον τιμητικὸν, μάλθη, ᾗ κατήλιπτο τὸ πινάκιον· ἐγκεντρὶς, ᾗ εἶλκον τὴν γραμμήν· μακρὰ δὲ ἐκαλεῖτο, ἣν καταδικάζοντες εἶλκον* (Aristoph. Vesp. 106, with the commentt.)· *κημὸς, καδίσκος, ἐχῖνος, ψῆφος, κλεψύδρα, χοιρίναι, ἅπερ ἦσαν κόγχαι θαλάττιαι· αὖθις δὲ καὶ χαλκᾶς ἐποιήσαντο κατὰ μίμησιν, καὶ σπόνδυλαι, κ. τ. λ.*, and on the mode of proceeding, Schol. Aristoph. Equ. 1146; Vesp. 987. The use of *ἀποχειροτονεῖν* for *ἀποφηφίζεσθαι*, which occurs in Isæus de Philoctem. c. 37, is uncommon; comp. Schöm. de Com. p. 123. The case which is mentioned by Isæus de Dicæog. c. 18: *συγχωρούντων ἡμῶν τῷ ἄρχοντι μὴ συναριθμεῖν ἀλλὰ συγχέαι τὰς ψήφους*, was peculiar.

2) Aristot. Polit. ii. 5. 8: *ἐν μὲν τῇ διαίτῃ . . . κοινολογοῦνται ἀλλήλοις περὶ τῆς κρίσεως, ἐν δὲ τοῖς δικαστηρίοις οὐκ ἔστιν, ἀλλὰ καὶ τοὐναντίον τούτῳ τῶν νομοθετῶν οἱ πολλοὶ παρασκευάζουσιν, ὅπως οἱ δικασταὶ μὴ κοινολογῶνται πρὸς ἀλλήλους.*

3) *Ἡ διατετρυπημένη ψῆφος*, Æsch. adv. Tim. c. 33.

4) Eurip. Electr. 1270; Anaxim. Rhetor. xviii. 3; Strabo, ix. p. 617. A., and the Dissertt. de calculo Minervæ, by Boecler (in the Diss. academ. (Argent. 1701.) t. i. p. 200—238); Gloeckner (Heidelb. 1676), and A. C. Stockmann (Lips. 1796); Senec. Epist. 81: *Reus sententiis paribus absolvitur et semper quidquid dubium est humanitas inclinat in melius.* Conf. Stanl. ad Æsch. Eumen. 738—756.

5) Æschin. adv. Ctesiph. c. 65: *ἐπειδὰν τῇ πρώτῃ ψήφῳ μὴ λύθῃ τὸ παράνομον, ἤδη τὸ τρίτον ὕδωρ ἐγχεῖται τῇ τιμήσει*: comp. Demosth. de F. L. p. 434. 15: *ἐπὶ μὲν τῆς πρώτης ψήφου οὐδ' ὑπακοῦσαι καλούμενος ἠθέλησας, εἰς δὲ τὸ τίμημα ἀναβὰς, κ. τ. λ.*, and more in Heffter, p. 332, sqq.; Schömann att. Proc. p. 724, sqq.

6) Herald. Obss. ad J. A. et R. iii. 1. p. 191, sqq. (opposing Salmas. Misc. Defens. p. 236, sqq.) denies this, except in the single case of the *δίκη αἰκίας* (Harpocr. p. 11), appealing chiefly to Demosth. adv. Mid. c. 9; coll. Lex. Rhetor. cit. p. 667. Consult, however, Heffter, p. 239; Meier, att. Proc. p. 184, sqq.; we must take care to follow Platner, i. p. 192, sqq., in distinguishing between criminal prosecutions and mere pecuniary suits.

7) Compare Herald. iii. 1—6, and Matthiæ de Jud. p. 275—277; Heffter, p. 177; Meier att. Proc. p. 171, sqq.

8) *Ἀτιμητὸς ἀγών*, Demosth adv. Mid. p. 543. 16; adv. Aphob. p. 834. 27; adv. Pantæn. p. 978. 10; adv. Callicl. p. 1276. 20, 1278. 27. According to Meier, even when the law allowed of an alternative, but Heraldus and Platner, p. 196, are of a different opinion.

9) So Harpocratio, p. 53; Suidas and others assert the contrary.

10) *Ἐπάγειν τίμημα, τιμᾶσθαι τινί τινος* (Plat. Apol. Socr. p. 36. B), and *ἀντιτιμᾶσθαι* or *ὑποτιμᾶσθαι* (comp. Xenoph. Apol. Socr. c. 23, with the commentt., and Buttmann ad Arg. Demosth. Mid. p. 2)); see above, n. 5, and Boeckh's Publ. Œcon. i. p. 89.—Even in private causes (damages), see Heffter, i. p. 335.

11) Ὅ τι χρὴ παθεῖν ἢ ἀποτῖσαι, Schömann att. Proc. p. 739; Ast. ad Plat. Remp. p. 356.—According to Demosth. Lept. §. 134, ἓν ἑκάστῳ τίμημα ὑπάρχει διὰ τὸν νόμον. . . . ὑπότερον ἂν τὸ δικαστήριον τιμήσῃ, παθεῖν ἢ ἀποτῖσαι, ἀμφότερα δὲ μὴ ἐξέστω, but see Platn. i. p. 205, sqq.

12) Τιμᾶν, Demosth. adv. Timocr. p. 737. 21, thus, τῶν ἐπιγεγραμμένων, adv. Aphob. p. 847. 7; τὴν μακρὰν, Aristoph. Vesp. 106; comp. n. 1. Were they obliged to chuse between the estimate of the prosecutor and that of the defendant, or might they take a middle course? See Heffter, p. 334; Platner, i. p. 201.

13) Demosth. adv. Timocr. p. 733. 10: δεδέσθαι δὲ . . . ἐὰν προστιμήσῃ ἡ Ἡλιαία· προστιμᾶσθαι δὲ τὸν βουλόμενον, ὅταν περὶ τοῦ τιμήματος ᾖ. Compare Boeckh's Publ. Œcon. ii. p. 90, sqq.; Meier de bonis damn. p. 108.

14) Προθεσμία, see Argum. Demosth. adv. Aristog. i. p. 768. 12; hence ἐκπρόθεσμος i. q. ὑπερήμερος, dilatory. See the execution of the sentence in Heffter, p. 453, sqq.; Schömann att. Proc. p. 739—752; Platner, i. p. 429—442.

15) Ἐνέχυρα λαβεῖν, ἐνεχυράζεσθαι, see Salmas. de modo usur. c. xiii.; Hudtwalcker, p. 130, sqq. Sometimes by aid of the Demarchs (Aristoph. Nubb. 37; comp. Platner's Beitr. p. 223; and above, §. 111. n. 5); or an ὑπηρέτης (Demosth. adv. Everg. et Mnesib. p. 1149. 25).

16) Demosth. Mid. c. 24: Λαβὼν δὲ ὑπερήμερον καὶ ἔχων, οὐδενὸς ἠψάμην πώποτε τῶν τούτου, ἀλλὰ λαχὼν ἐξούλης, κ. τ. λ. Comp. ib. c. 13; Arg. adv. Onetor. p. 863, and more in Herald. Obss. ad J. A. et R. vii. 26, p. 619, sqq.; Hudtwalcker, p. 137—152; Boeckh's Publ. Œcon. ii. p. 106; Meier att. Proc. p. 485—488; also Platner's Proc. u. Kl. ii. p. 295, sq., particularly on the original purport of the *interdicti unde vi* (ἐξείλλειν i. q. ἐξείργειν, see Buttmann's Lexil. ii. p. 148; Boeckh. ad C. Inscr. i. p. 810), from which afterwards arose the *actio rei judicatæ*. On the similar proceeding, called δίκη καρποῦ or ἐνοικίου and οὐσίας, see Harpocratio. p. 224, and Heffter, p. 264, sqq.

17) Till the ninth Prytany following; see Demosth. adv. Neær. p. 1347. 16.

18) See Boeckh's Publ. Œcon. ii. p. 124, sqq.; Meier de bonis damn. p. 152, sqq.; and above, §. 124. n. 13; §. 126. n. 12—14.

§. 144. Even the prosecutor who failed to make good his charge incurred certain penalties[1], unless he obtained at least one-fifth of the votes in his favour. In public suits he forfeited 1000 drachmæ to the state, and could never again institute a similar suit[2]. The same punishment was incurred if he declined to proceed with the case[3]. In private suits, he paid the defendant one-sixth of the amount of the disputed property[4], as a compensation for the inconvenience he had suffered in person or character. Finally, contumacious persons[5], who did not appear within the time prescribed[6] to clear themselves both before the

magistrates[7] and the courts who had cognizance of their cases, were considered as condemned[8]. Petitions for delay of trial were attended by a statement on oath of the grounds on which they were made[9], and if opposed by the other party[10], it rested with the court to decide on their admission or rejection. The sentence on a contumacious person used to be inscribed on a pillar in mark of infamy[11].

1) Lex. Rhetor. post Phot. Pors. p. 677: *πρόστιμον* (i. q. *ἐπωβελία*? comp. Harp. and. Phot. s. v.) *ἔκειτο τῷ μὴ μεταλαβόντι τὸ πέμπτον μέρος τῶν ψήφων* (also *τοὐπίπεμπτον*, comp. Dind. Aristoph. Fragm. p. 48) . . . *ἐν δὲ τοῖς δημοσίοις ἀγῶσιν ἐζημιοῦντο πρῶτον πρὸς ἀτιμίαν* (compare §. 124. n. 8) *ὥστε μὴ ἐξεῖναι μήτε γράψασθαι παρανόμων, μήτε φαίνειν, μήτε ὑφηγεῖσθαι· ἐὰν γραψάμενος μὴ ἐπεξέλθῃ, ὁμοίως· περὶ δὲ τῆς εἰσαγγελίας, ἐὰν μὴ μεταλάβῃ τὸ πέμπτον μέρος, οἱ δικασταὶ τιμῶσι*? Comp. §. 133. n. 7.

2) *Χιλίας ὥφλε*, comp. Meurs. Lectt. Att. v. 13; Herald. Obss. ad J. A. et R. vii. 16. p. 552, sqq.; Boeckh's Publ. Œcon. ii. p. 108, sqq.; Heffter, p. 130—132; Schömann att. Proc. p. 734—738; and on the *ἀτιμία* more particularly, Meier de bonis, p. 133, sqq.

3) *Εἰ μὴ ἐπεξίοι*, comp. Demosth. Mid. c. 14; adv. Theocrin. p. 1323. 20; and more in Herald. ii. 10. p. 126; Hudtw. p. 159, sqq.; Heffter, p. 443, sqq. and Platn. i. p. 126—130, of whom, however, Platner in particular insists on the practicability of an arrangement between the parties, even in public suits.

4) At the rate of an obolus for a drachma, whence the term *ἐπωβελία*, comp. Demosth. adv. Aph. p. 834. 25; adv. Everg. et Mnesib. p. 1158. 20, and more in Boeckh, Publ. Œcon. ii. p. 87, sqq., whose opinion, however, that the defendant was bound to pay it, as well as the plaintiff, (especially *ὁ αἱρεθείς*, Poll. viii. 39,) has been more correctly restricted by other writers to the cases of cross-suits, (*ἀντιγραφαὶ*) Paragraphe, and the like. Compare Poll. viii. 58; Heffter, p. 241, sqq.; Platner, i. p. 175—180, and particularly Schömann, p. 641, sqq., coll. 729—734. Its occurrence in public lawsuits is restricted by Boeckh, ubi sup. p. 90, to the Phasis, as asserted by Pollux, viii. 48, but is totally rejected by Meier de bonis, p. 156, and Heffter, p. 190.

5) *Ἔρημος δίκη, ὅταν μὴ παρόντων ἀμφοτέρων ὁ δικαστὴς τὴν ψῆφον ἐπενέγκῃ κατὰ τοῦ ἀπόντος*, Anecdd. Bekk. p. 245. 14; hence *ἐρήμην καταδικάζειν, ὀφλεῖν, αἱρεῖν, κατηγορεῖν*, κ. τ. λ., comp. Hudtw. p. 89, sqq.; Heffter, p. 356, sqq.

6) *Ὃς εἰς τὴν κυρίαν μὴ ἀπαντῴη*, see at large Schöm. p. 693, sqq., particularly, Demosth. Mid. c. 24: *ἐπεί ποθ' ἥκεν ἡ κυρία, πάντα ὀ' ἤδη διεξεληλύθει τὰ ἐκ τῶν νόμων, ὑπωμοσίαι καὶ παραγραφαὶ*, κ. τ. λ., with the Lex. Rhetor. cit. p. 673.

7) For the case of the plantiff, see Platner, i. p. 132. He doubts, ii. p. xii, whether the defendant was also liable to it; but see Bekk. Anecdd. p. 185. 30: *δίκης ἀνάκρισις, ἐὰν μὴ θέλῃ ὁ φεύγων εὑρεθῆναι, κρίσις γίγνεται*, from which Heffter has most unaccountably concluded the very reverse.

8) But we are not to suppose that a pecuniary fine was also incurred, (Ulpian. ad Dem. Mid. c. 25.) See Hudtw. p. 98; Meier de bonis, p. 135.

9) Hence called *ὑπωμοσία* (*ἀπωμοσία*? Lex. Rhetor. cit. p. 665); comp. Harp. p. 290: *τὸ ὑπερτίθεσθαι δίκην, προφάσει χρώμενον ἀποδημίᾳ ἢ νόσῳ ἢ τινι τῶν παραπλησίων, μεθ' ὅρκου.* See for instance, Dem. adv. Theocr. p. 1336. 12, and more in Hudtwalcker and Schömann, ll. cc., also Platner, i. p. 180, sqq.

10) *Ἀνθυπωμοσία*, comp. Demosth. adv. Olympiad. p. 1174.

11) *Στηλιτεύεσθαι*, see Andoc. de Myster. c. 78, and more in J. T. Krebsius de Stelitis Athen., (Lips. 1744.) (reprinted in his Opuscc. p. 43, sq.); Wachsm. ii. 1. p. 249.

§. 145. The remedy against a sentence of contumacy, lay in a suit for restitution *in integrum*[1]; appeals, strictly speaking, were not possible, since the public tribunal was a committee of persons representing the highest power of the state[2]. Only when the condemned person could show that sentence had been obtained by means of false witnesses, and this only in certain cases[3], might a reversion of the sentence be obtained[4]; in others, he had no resource but by suing the witnesses[5] and prosecutor for compensation[6]. It appears, that though complaints[7] might be lodged, and lawsuits[8] be commenced against public officers, for their conduct in the discharge of their judicial functions, appeals from their sentence never took place[9]. Most of those cases of appeal[10] which occur in the history of Athenian jurisprudence were only from the decisions of the public arbiters[11], who, it is true, (considering how constantly they were had recourse to, in consequence of the trifling expense[12] and freedom from danger attending proceedings before them,) may be considered as having formed the first tribunal before which all private suits came[13]. Additional grounds for considering them to have formed an actual court of justice, is furnished by the fact, that, for the sake of expediting public proceedings, and lessening the onerous duties of the magistrates, forty-four citizens were annually chosen by lot from each phyle[14], to act

as public διαιτηταὶ, and the magistrates[15] again decided by lot, before which of these committees they should respectively send the private suits that came before them. No one could be elected who had not attained the age of at least fifty years[16]. It was the rule that an arbiter should be taken from the phyle of the party[17] accused, but by private agreement between the litigants[18], any one might be referred to[19]; it seems, however, that by such an arrangement, the right of appeal was lost[20].

1) Poll. viii. 61: Ἀντιλαχεῖν δε δίκην ἐξῆν, ὁπότε τις μὴ παρὼν ἐν δικαστηρίῳ, κατακηρυχθεὶς καὶ μὴ ὑπακούων ἐρήμην ὄφλῃ· ἀντιλαχεῖν δὲ ἐντὸς δύο μηνῶν ὑπῆρχεν· εἰ δὲ μὴ τοῦτο σχοίη, τὸ ἐγγεγραμμένον ὤφλε καὶ ἄτιμος ἦν. In cases which came before Diætetæ (of whom we shall speak presently), it was called τὴν μὴ οὖσαν δίκην ἀντιλαχεῖν, and it was requisite that it should be made within ten days; compare the lexicographers, and, on the subject in general, Hudtw., p. 99—114; Heffter, p. 358, sq.; Schömann, p. 756, sq.; Platner, i. p. 396, sq.

2) Ἀνυπεύθυνοι, Aristoph. Vesp. v. 607; comp. Demosth. adv. Timocr. p. 737. 17, and Tittmann, p. 203; also, in particular, the law in Dem. l. l. p. 717. 20: ὅσων δίκη πρότερον ἐγένετο ἢ εὐθύνη ἢ διαδικασία περί του ἐν δικαστηρίῳ ἢ ἰδίᾳ ἢ δημοσίᾳ, ἢ τὸ δημόσιον ἀπέδοτο, μὴ εἰσάγειν περὶ τούτων εἰς τὸ δικαστήριον, μηδ' ἐπιψηφίζειν τῶν ἀρχόντων μηδένα, μηδὲ κατηγορεῖν ἐώντων, ἃ οὐκ ἐῶσιν οἱ νόμοι, and more in Meurs. Them. Att. ii. 16; Petit. iv. 8. p. 451, sqq., and Herald. de rerum judic. auctoritate, libri ii., appended to his Obss. et Emend., (Paris, 1640.), annd reprinted in Otto's Thes. Jur. civil. (Lugd. Bat. 1726.), t. ii. p. 1071—90.

3) Schol. Plat. Legg. xi. p. 242, Ruhnk.: εἰ ἐάλωσαν ἦτοι πάντες οἱ μάρτυρες ψευδομαρτυριῶν ἢ ὑπερημίσεις, ἐκρίνετο ἄνωθεν ἡ δίκη· οὐκ ἐπὶ πάντων δὲ τῶν ἀγώνων ἐγίγνοντο ἀνάδικοι οἱ κρίσεις, ἀλλ' ὥς φησι Θεόφραστος ἐν Ζ νόμων, ἐπὶ μόνοις ξενίας (§. 123, extr.) καὶ ψευδομαρτυριῶν καὶ κλήρων, comp. Isæus de Hagn. c. 46, and see more in Heffter, p. 343—346; Schömann, p. 761.—Platner, i. p. 407, seems to wish to extend it to all public lawsuits alike.

4) Ἀνάδικος δίκη, and παλινδικία, comp. Hudtwalcker, p. 115—118; Schömann, p. 755.

5) Compare §. 141, n. 10, and on the δίκη (or ἐπίσκηψις, Demosth. adv. Apatur. p. 904. 12; comp. Bentleii Opuscc. p. 358, and Meier, p. 385), ψευδομαρτυριῶν in general, Boeckh, in the Ind. Lectt. hib. 1817—18; Meier att. Pr. p. 380. sqq.; Platner, i. p. 398, sqq.—Hence, the witnesses were said to be ὑπεύθυνοι or ὑπόδικοι, comp. Isæus, pro Euphil. c. 4. and 8; Æschin. F. L. c. 49; Demosth. F. L. p. 396. 17; adv. Stephan, p. 1130. 5;—or any third party? see Demosth. adv. Olympiod. p. 1179. 20.

6) By means of the δίκη κακοτεχνίων, see Demosth. adv. Everg. et Mnesib. p. 1139. 11, and more in the authorities just cited.—Hudtwalcker appears, however, to be wrong (p. 116.) in considering that this procedure

annulled any previous decisions, although Platner (i. p. 413—416) also joins in this opinion.

7) Heffter says, p. 288; "An appeal could not be made, but the disappointed plaintiff might bring the Archon to account in a legal manner, by the *εἰσαγγελία*, *προβολή*, and so forth, and, so far, the case might be again brought before a court." Platner differs from this opinion, i. p. 313, but see an instance in Antipho de Choreuta, c. 43.

8) A remarkable instance occurs in Andoc. de Myster. c. 17: *Σπεύσιππος δὲ βασιλεύων παραδίδωσιν αὐτοὺς τῷ δικαστηρίῳ, κἄπειτα ὁ πατὴρ καταστήσας ἐγγυήτας ἐγράψατο τὸν Σπεύσιππον παρανόμων καὶ ἠγωνίσατο ἐν ἑξακισχιλίοις Ἀθηναίων, κ. τ. λ.* Could, however, any public prosecution be commenced against a public officer before he had been actually suspended from his office? See Schömann de Com. p. 229, coll. att. Proc. p. 574, and, in the affirmative, Platner. i. p. 332. More below, §. 154.

9) Plut. Solon. c. 18, does not bear on this point. Compare, however, de jure Magg. p. 65.

10) See Poll. viii. 62: *ἔφεσις δέ ἐστιν ὅταν τις ἀπὸ διαιτητῶν ἢ ἀρχόντων ἢ δημοτῶν* (§. 123, n. 18), *ἐπὶ δικαστὴν ἐφῇ, ἢ ἀπὸ βουλῆς ἐπὶ δῆμον ἢ ἀπὸ δήμου ἐπὶ δικαστήριον* (§. 133?) *ἢ ἀπὸ δικαστῶν ἐπὶ ξενικὸν δικαστήριον*, (see above, §. 116. n. 6;) on which see Hudtwalcker, p. 119—128; Schömann att. Proc. p. 766—772; Platner, i. p. 422—428, according to Wachsmuth, ii. 1. p. 348, even from sentences concerning homicide.

11) On these in general, see Sigonius, iii. 5; Petiti Legg. iv. 5. p. 433, sqq.; Herald. Obss. v. 14. p. 370, sqq., and particularly M. H. Hudtwalcker, über die öffentlichen und Privat-Schiedsrichter—Diäteten—in Athen; (Jena, 1812.)

12) The justice-fees, (*παράστασις, παρακατάστασις*, see Poll. viii. 39, and more in Hudtw. p. 15—18), being only one drachma.

13) Demosth. adv. Phænipp. p. 1042. 10: *ἡγησάμενος δ' ἐγὼ καὶ μετρίου καὶ ἀπράγμονος εἶναι πολίτου μὴ εὐθὺς ἐπὶ κεφαλὴν εἰς τὸ δικαστήριον βαδίζειν, κ. τ. λ.* According to Poll. viii. 126: *πάλαι οὐδεμία δίκη πρὶν ἐπὶ διαιτητὰς ἐλθεῖν εἰσήγετο*, but see Hudtw., p. 33, and particularly Demosth. adv. Dionys., p. 1288. 24; sometimes even the Diætetes sent parties before a court, *ἐφίησιν αὐτοὺς εἰς δικαστήριον*, adv. Phorm. p. 913. 23.—On the frequency of appeals, see adv. Bœot. de dote, p. 1017. 27: *καὶ τὰς πάνυ μικρὰς δίκας εἰς ὑμᾶς ἐφιᾶσιν.*

14) According to Ulpian ad Demosth. Mid. p. 542. 15, for we are not to read there with Heraldus, *τεσσαράκοντα, τέσσαρες καθ' ἑκάστην φυλήν*, comp. Hudtwalcker, p. 4, sqq.

15) Pollux: *ἐπεκληροῦντο αὐτοῖς αἱ δίαιται*, Hudtw., p. 64—82.

16) According to Suidas and Bekk. Anecdd. p. 186. 1; according to Pollux and Hesych. i. p. 943, sixty.

17) Hence Lysias adv. Pancl. c. 2: *οἱ τῇ Ἱπποθοωντίδι δικάζοντες*: comp. Demosth. adv. Everg. p. 1142. 26. Even against slaves, Platn. i. p. 103.

18) *Ἐπιτροπή*, compromise; see Demosth. adv. Apatur. p. 897. 1, or *πρόδικος δίκη*, Aristoph. Fragm. p. 127, Dind.

19) Compare at large, Hudtw., p. 156, sqq., especially p. 173—180.

20) See the law in Demosth. Mid. c. 25, extr., which was a natural consequence of that given, adv. Phænipp. 1042, 22: *κυρίους εἶναι τὰς*

πρὸς ἀλλήλους ὁμολογίας, ἃς ἂν ἐναντίον μαρτύρων ποιήσωνται. Comp. Isocr. adv. Callim. p. 892; Isæus de Dicæog. c. 31, and particularly Demosth. pro Phano, p. 861, sq.: ἐπιτρέψαι με πείσας . . . ἀκούσας αὐτῶν, ὅτι εἰ μεθ' ὅρκου ταῦτα διαιτήσουσι, καταγνώσονται τὴν ἐπιτροπήν, ἐπὶ τὸν κληρωτὸν ἐλθὼν διαιτητὴν . . . ὤφλε τὴν δίαιταν· οἱ δικασταὶ δ' εἰς οὓς ἐφῆκε, κ. τ. λ., whence the public Diætetæ appear not to have been on their oath, agreeably to the assertion of Sigonius, who is wrongly contradicted by Hudtwalcker, p. 10. On the accountability of the Diætetæ, see above, §. 133, n. 12, and below, §. 154.

§. 146. Besides the Heliæa and Diætetæ, we find courts, or rather juries, chosen from persons of the same profession or craft[1]; thus, breaches of military laws came before courts martial[2], profanations of mysteries were examined only by initiated persons[3]; the Nautodicæ, although chosen by lot, seem to have been of the same description, charged with settling disputes concerning commerce and navigation[4]. Suits of this last description were attended by peculiar privileges, and distinguished by special regulations[5]. They could, for instance, be discussed only during the six winter months[6], and it was required that no such suit should be pending above a month[7]; this last regulation, however, obtained in many other cases, especially in those connected with the mines[8], and the affairs of partners, and companies, (ἔρανοι[9],) which, it is probable, also came before private juries. Finally, the Thirty, (afterwards increased to forty,) formed a peculiar class of rural judges, with power to decide petty cases, not involving more than five drachmæ; all exceeding that amount they were obliged to send before the regular court in Athens[10].

1) See Heffter, p. 397, sqq.; Schömann, att. Proc. p. 133, and his review of Platner's Proc., in the Berl. Jahrb. 1827, p. 1369, sqq.

2) Lysias adv. Alcib. c. 5, 6; compare Schömann de sort. Judd. p. 29, and Platner, ii. p. 94, who, however, invests the commanders, in time of war, with power of summary punishment; Göttling, in the Hermes, xxiii. p. 136, also asserts, that courts martial were held even in the Heliæa; comp. Tittmann, p. 227, and Ast. ad Plat. de Legg. xii. 2. p. 546.

3) Andoc. de Myster. c. 28 and 31.—On the judicial powers of the Eumolpidæ (Demosth. adv. Androt. p. 601. 25), see Heffter, p. 405—408; Platner, ii. p. 147—149.

4) See Lysias de pecuniis publ. c. 5, sqq., and more in Boeckh, Publ. Œcon. i. p. 69, and A. Baumstarck de Curat. Empor. et Nautodicis apud Athen. (Frib. 1828), p. 65, sqq., against Meier, att. Proc. p. 83—86, who considers them as *εἰσαγωγεῖς*—though they were an *ἀρχή*! From Demosth. adv. Apatur. init., we should rather infer the Thesmothetæ to have been *εἰσαγωγεῖς* in such cases.

5) Thus it appears that even foreigners might, in such cases, appear in person; comp. Platn. i. p. 89; Baumstarck's Prolegg. in orat. Demosth. adv. Phorm. i. (Heidelb. 1826), p. 33, sqq.; and on the regulations of the Athenian commerce in general, de Cur. Emp. p. 11, sqq., 36, sqq., coll. Boeckh's Publ. Œcon. i. p. 67, sqq., and, on sea security, or bottomry, (*τόκος ναυτικὸς ἑτερόπλους* or *ἀμφοτερόπλους*) p. 145—154. On arrest for debt, see above, §. 139. n. 6.

6) Demosth. adv. Apatur. p. 900. 5: *αἱ δὲ λήξεις τῶν δικῶν τοῖς ἐμπόροις ἐμμηνοί εἰσιν ἀπὸ τοῦ Βοηδρομιῶνος μέχρι τοῦ Μουνυχιῶνος, ἵνα παραχρῆμα τῶν δικαίων τυχόντες ἀπάγωνται*, comp. Wachsm. ii. 1. p. 94.

7) But this regulation seems to have been of later date than Xenoph. de reditu, c. 3; compare Hegesipp. de Halonn. p. 79. 23; Ullrich über die Eilfmänner, p. 226. On the *δίκαι ἔμμηνοι* in general, see Heffter, p. 399—405; Platner, i. p. 289—309. Was the case the same with the *δίκαι προικὸς* (Poll. viii. 101)?

8) Here compare Demosth. adv. Pantænet., and see more in Boeckh in the Abhh. d. Berl. Acad. v. 1825, p. 128, sqq.

9) On the *ἔρανοι*, see Petiti Legg. v. 7, p. 526, and particularly the two opponents of Salmas. Misc. Defens. c. i.—iii., and Herald. Obss. vi. c. 1—6; also Casaub. ad Theophr. Char. x. 2; Boeckh's Publ. Œcon. i. p. 328, sq. and Jan. Pan. de grati animi off. p. 128—145. Compare Schol. Aristoph. Acharn. 590: *ἔθος εἶχον τέλεσμά τι εἰς τὸ κοινὸν διδόναι, ὅπερ οἱ μὴ διδόντες καὶ ἄτιμοι ἐνομίζοντο, καὶ μετὰ βίας ἀπῃτοῦντο.*

10) *Δικασταὶ κατὰ δήμους περιόντες*, see Aristot. Polit. iv. 13. 2, and the lexicographers; Sigonius, iv. 3. p. 540. 10; Hudtwalcker, p. 36, sq.; Tittmann, p. 224; Schubert de Ædil. p. 96—98; and particularly Meier u. Schömann, p. 77—82, and Platner, ii. p. 182—184, who also represent them as *εἰσαγωγεῖς*. Particularly in cases of *αἰκία* and *τὰ περὶ τῶν βιαίων*, Demosth. adv. Pantæn. p. 976. 11.

PART IV.

Of the Public Officers themselves.

§. 147. In considering the individuals who were charged with the transaction of public affairs in Athens[1], an important and obvious difference is seen between the officers of the state, properly so called, and the salaried officials in their employ[2]. The latter were entirely at the discretion of their superiors[3], and

might even be foreigners[4]; the former underwent a strict scrutiny respecting their right of citizenship, were invested with full powers for the execution of the laws[5], and were responsible for their exercise of the same to the state[6] to whose authorised commissioners alone they rendered an account of their proceedings during their period of office. These formalities distinguished them not merely from their subofficials, but also, it would seem, from such commissioners[7], as being appointed on special occasions[8], and for a limited time[9], possessed neither the power nor the importance of regular magistrates. At any rate the Dokimasia and passing accounts before the Logistæ, were by law imperative[10] only on magistrates elected by open vote (*χειροτονία*) in the general assemblies of the people, on commissioners charged with directing public works for any period exceeding thirty days, and on all who took cognizance of cases of the description mentioned in §. 137. The term *ἀρχὴ*, in its stricter acceptation, appears to have denoted only these three kinds of office, though in common language it never appears to have been thus limited[11]. The responsibility of the members of the two senates, of Priests, Trierarchs, etc., can have amounted to little more than a formal passing of accounts at the expiration of their respective offices[12].

1) Compare at large, Sigonius de Rep. Ath. lib. iv; Petiti Legg. iii. 2. p. 300—344; Tittmann, p. 307—338; Wachsmuth, ii. 1. p. 29—36.

2) Wachsmuth, i. 1. p. 191; particularly clerks (compare Wolf. ad Leptin. p. 384, and above, §. 127. n. 18), heralds, messengers, and such like; Poll. viii. 114, is wrong.—According to Boeckh, Publ. Œcon. i. p. 320, "All the servants of the different authorities received salaries . . . . . Originally there was an important distinction between service (*ὑπηρεσία*) and an office of government (*ἀρχή*); the former received a salary, the latter none." Hence they were called *βάναυσοι* (see §. 5. n. 9).

3) Hence they were probably named after the office of their superiors (Poll. viii. 92: *προσαιροῦνται* (*οἱ ἄρχοντες*) *καὶ γραμματέα*) and were responsible to them, see de jure magg. p. 50, sq.

4) Aristot. Polit. iv. 12. 3: *αἱ δ' ὑπηρετικαὶ* (*ἐπιμέλειαι*) *πρὸς ἃς, ἂν εὐπορῶσι, τάττουσι δούλους*. Compare Bekk. Anecdd. s. v. *δημόσιος*, p.

234. 15; and on the *οἰκέται δημόσιοι* in particular. Æschin. adv. Timarch. c. 23, and Meier u. Schöm. att. Proc. pp. 401 and 560. According to Pollux, l. l., the dokimasia was exacted only of the secretaries of the archons.

5) Aristot. ibid.: *Μάλιστα δ' ὡς ἁπλῶς εἰπεῖν ἀρχὰς λεκτέον ταύτας, ὅσαις ἀποδέδοται βουλεύεσθαί τε περὶ τινῶν καὶ κρῖναι καὶ ἐπιτάξαι, καὶ μάλιστα τοῦτο, τὸ γὰρ ἐπιτάττειν ἀρχικώτερόν ἐστι.* See more in my Diss. de jure et auct. magg. apud Athenienses, p. 33, sqq., and compare Joach. Perionius de Græc. et Roman. Magistratibus, lib. i. (in Gron. Thes. t. vi. p. 2761, sqq.); also Heeren's Res. Greece, p. 149, sqq.

6) Æschin. adv. Ctesiph. c. 5: *οὐδείς ἐστιν ἀνυπεύθυνος τῶν καὶ ὁπωσοῦν πρὸς τὰ κοινὰ προσελθόντων.* Compare Wachsmuth, i. 1. p. 192, and below, §. 154.

7) *Ἐπιμέλεια, διακονία,* Æschin. ibid. c. 4; compare Aristot. l. l. and more in Schömann de Com. p. 307—309; Heffter, p. 17; Platner's Proc. u. Kl. i. p. 314—317; also Baumstarck de Curat. Empor. p. 15, sqq.; but see de jure magg. p. 40, sqq.

8) *Curationes* (Cic. de Legg. iii. 4), *πραγματεῖαι προστεταγμέναι κατὰ ψήφισμα,* Æschin. ibid.; compare Perion, l. l. p. 2763.

9) Boeckh, in the Publ. Œcon., states that thirty days (Elmsl. ad Aristoph. Acharn. 858) was the usual time allowed to commissioners for the despatch of the business with which they were charged; no commission could last longer without being considered an *ἀρχή.*

10) Æschin. ibid.: *τὰς χειροτονητὰς ἀρχὰς καὶ τοὺς ἐπιστάτας τῶν δημοσίων ἔργων καὶ πάντας ὅσοι διαχειρίζουσί τι τῶν τῆς πόλεως πλέον ἢ τριάκονθ' ἡμέρας καὶ ὅσοι λαμβάνουσιν ἡγεμονίας δικαστηρίων* (§. 137, extr., §. 138, n. 3), *ἄρχειν δοκιμασθέντας ἐν τῷ δικαστηρίῳ καὶ λόγον καὶ εὐθύνας ἐγγράφειν πρὸς τοὺς λογιστάς.*

11) Hudtwalcker, Diäteten, p. 32; Baumstarck, l. l. p. 24—28; compare also above, §. 125, n. 2.

12) Æschin. ibid. c. 5, 6; compare de jure magg. p. 47, and respecting the council of 500, above, §. 126, extr.; also Andoc. de reditu, c. 19.

§. 148. It has been already stated that access to all public offices formed, from the time of Aristides, an essential part of active citizenship; pecuniary qualification was not required till later, and only in a few cases[1]; nor could any stress be laid, agreeably to the principles of absolute democracy, on the capacity or personal worth of individuals. The scrutiny, *δοκιμασία,* which candidates for office underwent[2], was of a merely political character, and did not take place till after their election; the several interrogations, in which some have thought to discover proofs of the contrary, bear only on points involving legally exclusion from

the exercise of civic rights, such as neglect of religious duties and those owed to parents, imputations of cowardice[3], and such like. Inquiry into the political views and opinions of the person elected[4], was introduced at a late period. It was required that Archons and Priests should prove the purity of their descent as citizens for three generations[5], the mere fact of actual citizenship, in the sense and under the restrictions that have already been explained, sufficed in all other cases; there is no evidence that there was any legal age[6]; but on the other hand it was required that all officers of the state should be free from bodily defect[7]. No one could hold two offices at once, nor the same twice, or for a longer period than one year[8]; such, at any rate, are the restrictions expressly specified in the oath of the Heliasts who passed their δοκιμασία in legal form before the Thesmothetæ[9], when they might be challenged by any individual citizen[10]; whoever was rejected by the Thesmothetæ, appears to have incurred perpetual ἀτιμία[11]. The Archons and their assistants underwent a second δοκιμασία before the senate of 500[12]. That to which the members of every senate submitted on resigning office to their successors[13], does not strictly belong to this place[14].

1) See above, §. 112. n. 7, and Schömann de Com. p. 312, whose conjectures however I cannot accede to.

2) Compare, on this subject in general, Boecleri Diss. de probatione magg. Atheniensium ad Lysiæ Orat. xv. et xxx, in his Opuscc. t. ii. p. 942—960; Tittmann, p. 320—323; Heffter, p. 366—373; Meier u. Schöm. p. 200—209; Platner's Proc. i. p. 317—329.

3) Dinarch. adv. Aristog. c. 17: *ἀνακρίναντες τοὺς τῶν κοινῶν τι μέλλοντας διοικεῖν, τίς ἔσται τὸν ἴδιον τρόπον, εἰ γονέας εὐ ποιεῖ, εἰ τὰς στρατείας ὑπὲρ τῆς πόλεως ἐστράτευται, εἰ ἱερὰ πατρῷα ἔστιν αὐτῷ, εἰ τὰ τέλη τελεῖ*, comp. de jure magg. p. 6, sq., and above, §. 124. Heraldus is very right in saying (Obss. ad J. A. et R. vii. 23. p. 590:) *Liberorum autem, qui in officio cessassent Athenis, poena erat infamia, quæ contrahebatur ipso facto, ita ut, si quis magistratum genere volens probabatur non satis pius et beneficus erga parentes, rejiceretur;* see also Jan. Pan, de grati animi off. p. 24, and Heffter, p. 130. n. 10.

4) Lysias adv. Agorat. c. 10: *στρατηγὸν χειροτονηθέντα ἀπεδοκιμά-*

σαπε, οὐ νομίζοντες εὐνοῦν εἶναι τῷ πλήθει τῷ ὑμετέρῳ: comp. Aristot. Polit. v. 7, 8. and 14.

5) Ἐκ τριγονίας, i. e. from the grandfather; see §. 100. n. 4—6, and on the ἀνάκρισις of the archons in particular, Demosth. adv. Eubul. p. 1319. 21; Poll. viii. 85; comp. Petiti Legg. p. 321, sqq.; Corsini, F. A. i. p. 15; Wachsm. i. 1. p. 262.—Aristid. Asclep. t. i. p. 72, Dind.: οἱ θεσμοθέται διὰ τεττάρων εἰσὶν εὐπατρίδαι.

6) Is Meier right (att. Proc. p. 204), in conjecturing that thirty was the age required in a senator and judge? That, at all events, was the utmost; comp. Isæus de Apollod. c. 34, coll. 41.

7) Ἀφελεῖς, (i. q. ὀλόκληροι, Etymol. M. p. 176. 20), μὴ ἀνάπηροι; but it appears that even such were sometimes rejected; comp. Lysias de Invalido, c. 13.

8) Demosth. adv. Timocr. p. 747: οὐδ' ἀρχὴν καταστήσω ὥστ' ἀρχειν ὑπεύθυνον ὄντα ἑτέρας ἀρχῆς καὶ τῶν ἐννέα ἀρχόντων καὶ τοῦ ἱερομνήμονος καὶ ὅσαι μετὰ τῶν ἐννέα ἀρχόντων κυαμεύονται ταύτῃ τῇ ἡμέρᾳ, καὶ κήρυκος, καὶ πρεσβείας, καὶ συνέδρων, οὐδὲ δὶς τὴν αὐτὴν ἀρχὴν τὸν αὐτὸν ἄνδρα οὐδὲ δύο ἀρχὰς ἅρξαι τὸν αὐτὸν ἐν τῷ αὐτῷ ἐνιαυτῷ. It was even the rule respecting clerks, ὅτι ὑπογραμματεῦσαι οὐκ ἔξεστι δὶς τὸν αὐτὸν τῇ ἀρχῇ τῇ αὐτῇ, Lysias adv. Nicom. c. 29.

9) Meier inquires whether all cases of Dokimasia did not properly belong to the senate of five hundred, whilst only disputed cases came before the courts — ? ? Compare Xenoph. Repub. Athen. iii. 4; Demosth. adv. Bœot. p. 1018. 27.

10) Poll. viii. 88, says of the Thesmothetæ: εἰσάγουσι δὲ καὶ δοκιμασίαν ταῖς ἀρχαῖς. So far certainly the Dokimasia was one of the forms of public prosecution, see above, §. 136. n. 1.

11) See the enumeration in Demosth. adv. Aristog. i. p. 779. 5: τοῖς ἐκ τοῦ δεσμωτηρίου, ἢ τοῖς ὧν ὁ δῆμος ἀπέκτεινε τοὺς πατέρας, ἢ τοῖς ἀποδεδοκιμασμένοις ἄρχειν λαχοῦσιν, ἢ τοῖς ὀφείλουσι τῷ δημοσίῳ, ἢ τοῖς καθάπαξ ἀτίμοις.

12) Demosth. Leptin. c. 73; comp. Poll. viii. 86 and 92.

13) Compare Lysias pro Mantitheo, and adv. Philonem, where, however, occurs the remarkable expression: ἐγὼ δὲ ὀμώμοκα εἰσῆλθον εἰς τὸ δικαστήριον . . . ἀποφαίνειν, εἴ τίς τινα οἶδε τῶν λαχόντων ἀνεπιτήδειον ὄντα βουλεύειν.

14) So far as the senate was one of the ἀρχαί, see above, §. 126.

§. 149. The common division of the Athenian offices is into κληρωτοὶ, those filled by lot, and χειροτονητοὶ or αἱρετοὶ, those filled by open election[1]. The six Thesmothetæ superintended the drawing of the lots[2], annually, in the temple of Theseus[3], among such candidates as had previously given in their names, and appeared there in person[4]. Deception was severely punished[5]; an equal number of supernumeraries were appointed in the same

way, in order to fill up any vacancies that might occur in the course of the year, by death or resignations[6]. We have already spoken of elections by the general assembly of the people; some appointments were made by particular tribes[7]; and each tribe and demus appears to have chosen its proper officers from its own body[8]. Election by lot was, however, always the general rule, consistently with the principles of pure democracy; the appointments by open vote were only to offices which did not directly affect the state or citizens, or were, either in fact or from their nature[9], only extraordinary; such as ambassadors, public advocates, commissioners of works, and the like. This distinction cannot be ascribed to the greater or less necessity of personal ability[10] in the several cases, when it is considered that, to say nothing of the senate and courts of law, the nine Archons, the Eleven, the Logistæ, and Euthyni, with the greater number of those engaged in the police and financial departments, were elected by lot[11], although the state acknowledged its sense of their importance, by allowing the parties elected full discretion in the choice of experienced assistants[12]. Election by ballot, from among a number of select competitors, appears to have been usual only in the appointment of the χοραγοὶ at the Dionysia[13], and of certain priestly offices[14].

1) Διάφοροι παρ' Ἀθηναίοις ἀρχαί, ὧν αἱ μὲν κληρωταί, αἱ δὲ χειροτονηταί, αἱ δὲ αἱρεταί, Argument. Demosth. Androt. p. 588. 9; comp. Sigonius, iv. 1. p. 531; Petiti Legg. iii. 2. p. 300, sqq.; Platner's Beitr. p. 87; Schömann de Com. p. 310, sqq. On the other hand, Tittmann, p. 305, and Boeckh, in the Ind. Lectt. æst. 1830. p. 6, make no difference between the αἱρεταὶ and the χειροτονηταί, since Æschin. adv. Timarch. c. 9, mentions only κληρωταὶ and χειροτονηταί, Pollux, viii. 44, only κληρωταὶ and αἱρεταί. It appears, however, from Æschin. adv. Ctes. c. 4—8, that, even if the proceedings were the same, the term αἵρεσις was usual for election by the Phylæ, χειροτονία for nomination in the general assembly.

2) By beans, whence, οἱ ἀπὸ κυάμου ἄρχοντες and κυαμευτοί, see Xenoph. Mem. Socr. i. 2. 9, and more in Corsini Fast. Att. i. p. 18, sqq., conf. Küster. ad Jamblich. V. Pythag. §. 260; and J. H. Born de sorti-

tione magg. Athen. contra Pythagoreos defensa (Lips. 1734).—On the subject in general, see above, §. 112. n. 1.

3) Æschin. adv. Ctesiph. c. 4.

4) Compare, at large, Tittmann, p. 309, sqq.; de jure magg. p. 25.—According to Suidas, indeed, s. v. Ληξιαρχικὸν ἐξ ἐκείνων τῶν γραμματείων κληροῦσι τὰς ἀρχάς, on which it is remarked by Boeckh, in the Ind. Lectt. hib. 1819, 20. p. 6: *postremum etsi non negemus, tamen id grammaticum ex mala vocis originatione petivisse arbitramur*; but see Isocr. π. ἀντιδ. p. 82, Orelli: μηδὲν ἧττον εἶναι μήτε κληροῦσθαι τῶν ἀρχῶν ἕνεκα: Lysias adv. Andoc. c. 4: ἐὰν ἔλθῃ κληρωσόμενος τῶν ἐννέα ἀρχόντων καὶ λάχῃ βασιλεύς: adv. Philon. c. 33: ὥσπερ νῦν προθύμως κληρωσόμενος ἦλθε, κ. τ. λ.

5) Demosth. adv. Bœot. p. 998. 5: τὸ δυοῖν πινακίοιν τὸν ἕνα κληροῦσθαι, ἐφ' ᾧ θάνατον ζημίαν ὁ νόμος λέγει.

6) Ἐπιλαχεῖν, Æschin. adv. Ctesiph. c. 18, and Harpocr. p. 117: ἐκληροῦντο οἱ βουλεύειν ἢ ἄρχειν ἐφιέμενοι, ἔπειτα ἑκάστῳ τῶν λαχόντων ἕτερος ἐπελάγχανεν, ἵν' ἐάν ὁ πρῶτος λαχὼν ἀποδοκιμασθῇ ἢ τελευτήσῃ, ἀντ' ἐκείνου γένηται βουλευτὴς ἢ ἄρχων ὁ ἐπιλαχών αὐτῷ. Comp. Corsini Fast. Att. i. p. 307.

7) Such as the ἐπιστάται ἔργων δημοσίων, viz. the τειχοποιοί, ταφροποιοί, τριηροποιοί, comp. Æschin. adv. Ctesiph. c. 8, and more in Boeckh's Publ. Œcon. i. p. 229, sqq.; Schöm. de Comitiis, p. 374; Schubert de Ædil. p. 61.—According to Pastoret, Hist. de la législ. t. vi. p. 290, *toutes les fois, qu'une magistrature se composait de dix fonctionnaires, pris un dans chaque tribu* (see §. 111. n. 3), *ils étoient choisis dans cette tribu même*—?? Comp. Poll. viii. 87: στρατηγοὺς χειροτονεῖν ἐξ ἁπάντων.

8) The Ἐπιμεληταὶ τῶν φυλῶν (Dem. Mid. c. 6), comp. Antiph. de Choreuta, c. 13, οὓς αὐτοὶ οἱ φυλέται ἐψηφίσαντο συλλέγειν καὶ ἐπιμελεῖσθαι τῆς φυλῆς ἑκάστοτε: the Phratriarchs, Demosth. adv. Eubul. p. 1305. 22; and the Demarchs, according to Schöm. l. l. p. 378, against Herald. p. 94, and the Trittyarchs, conf. Plat. Repub. v. p. 475. B.

9) See de jure magg. p. 16, sqq.

10) See above, §. 67. n. 4. The practical result was, however, perhaps the same as if such restrictions had existed; see Xenoph. Rep. Ath. i. 3: ὑπόσαι μὲν σωτηρίαν φέρουσι τῶν ἀρχῶν χρησταὶ οὖσαι, καὶ μὴ χρησταὶ κίνδυνον τῷ δήμῳ ἅπαντι, τούτων μὲν τῶν ἀρχῶν οὐδὲν δεῖται ὁ δῆμος μετέχειν . . . ὁπόσαι δ' εἰσὶν ἀρχαὶ μισθοφορίας ἕνεκα καὶ ὠφελείας εἰς τὸν οἶκον, ταύτας ζητεῖ ὁ δῆμος ἄρχειν: comp. Tittmann, pp. 334 and 340; Vollgraff's antike Pol. p. 144; de jure magg. p. 26, sqq.

11) For a collection of passages, showing to which offices the election took place by lot and to which by nomination, see Hüllmann, Staatsr. der Alterthums, p. 134—138; and Tittmann, p. 311—318.

12) Not only the Archons (§. 138. n. 12), but also the Logistæ (§. 154. n. 8), and the Hellenotamiæ; Boeckh, C. Inscr. n. 144. lin. 5 and 18; n. 147, lin. 20. Comp. de jure magg. p. 28.

13) According to Isocrates, Trapez. p. 872: . . . ἀνοίξαντα τὰς ὑδρίας καὶ τοὺς κριτὰς ἐξελόντα τοὺς ὑπὸ τῆς βουλῆς εἰσβληθέντας . . . αἱ σεσημασμέναι μὲν ἦσαν ὑπὸ τῶν πρυτανέων, σεσημασμέναι δ' ὑπὸ τῶν χορηγῶν, ἐφυλάττοντο δ' ὑπὸ τῶν ταμιῶν, ἔκειντο δ' ἐν ἀκροπόλει. Compare Lysias de vuln. præmeditato, c. 3: ἀπολαχεῖν κριτὴν Διονυσίοις, κ. τ. λ.,

i. e. to escape the lot; the passage has been misunderstood, not only by Reiske, but by the grammarian in Bachmann's Anecdd. i. p. 127. 9: on the (five) *κριταὶ*, in general, see Valesius ad Harp. p. 204; Spanheim ad Aristoph. Ran. 797; Platner's Proc. i. p. 392—396.

14) That is to say, such as were not hereditary (see §. 5. n. 5), for then they could, at the most, do no more than select an individual from the family to which the office belonged. Compare Serv. ad Virg. Æneid. ii. 201. *Laocoon Apollinis sacerdos sorte ductus est, ut fieri solet quum deest sacerdos certus.* On this point at large, consult Sigonius, iv. 7; Bougainville, examen de plusieurs questions concernant les ministres des dieux à Athènes, in the Mém. de l'Acad. des Inscr. xviii. p. 60, sqq.; Spanheim ad Callim. h. in Cerer. v. 43. p. 779; Müller de sacris Min. Pol. p. 13; Boeckh in the Ind. Lectt. æst. 1830. p. 2—7; and, on the priesthood in general, see more in Pastoret, ubi sup., t. vii. p. 331, sqq.; Wachsm. ii. 2. p. 291—309.—On election by lot, see, in particular, Æschin. adv. Timarch. c. 76, and Demosth. adv. Eubul. p. 1313. 20: *προεκρίθην ἐν τοῖς εὐγενεστάτοις κληροῦσθαι τῆς ἱερωσύνης*: also Procem. p. 1461: *νῦν δὲ τὸν αὐτὸν τρόπον, ὥνπερ τοὺς ἱερεῖς, καθίστατε καὶ τοὺς ἄρχοντας.*

§. 150. Of the offices which were filled by open vote, and were of little or no political importance, we need mention here only the persons charged with the celebration of the public festivals[1], those who purchased the cattle for the public sacrifices[2], the ten judges of the musical and gymnastic contests at the Panathenæa[3], the ten Sophronistæ, or inspectors of the education of the children and Ephebi[4], and probably also those who superintended that of females[5], and who appear to have formed a sort of committee for the suppression of luxury and extravagance[6]. The regular police magistrates[7], however, were all appointed by lot; these were ten Astynomi, five for the city, and five for the Piræus, charged with maintaining cleanliness and with the general inspection of the public buildings and works[8]; as many clerks of the market, Agoranomi[9], and inspectors of the emporium, charged with the enforcement of the commercial laws[10]; fifteen Sitophylaces, ten in the city, and five in the Piræus, who regulated the quality, quantity, and price of provisions brought into the market[11]; and as many Metronomi, inspectors of weights and measures[12]; the

Prometretæ, measurers of the corn, etc., appear to have belonged to the class of sub-officials[13].

1) As, for instance, the *ἐπιμεληταὶ τῶν Διονυσίων*, Demosth. Mid. c. 7; and *τῶν μυστηρίων*, ibid. c. 46, coll. Harpocr. p. 118: the *ἱεροποιοὶ τῶν σεμνῶν θεῶν*, ibid. c. 32, and probably, from c. 46, the other *ἱεροποιοί*, although, according to Phot. p. 103, Pors., and Bekk. Anecdd. p. 265. 22: *κληρωτοὶ ἄρχοντες δέκα, οἳ τά τε μαντεύματα ἱεροθυτοῦσι, κἄν τι καλλιερῆσαι δέῃ, καλλιεροῦσι μετὰ τῶν μάντεων, καὶ θυσίας τὰς νομιζομένας ἐπιτελοῦσι καὶ τὰς πενταετηρίδας ἁπάσας ἐνοικοῦσι πλὴν Παναθηναίων.* Comp. Poll. viii. 107, and more in Herald. Obss. ad J. A. et R. p. 95; Boeckh's Publ. Œcon. i. p. 288; Creuzer's Symb. iv. p. 481; Schubert de Ædil. p. 45—49.

2) *Βοῶναι*, Demosth. Mid. c. 46; comp. Boeckh, ubi sup.; Schubert, p. 44.

3) *Ἀθλοθέται*, Plut. Pericl. c. 13, whence Poll. viii. 87, must be pointed thus: *καὶ κληροῦν δικαστάς· καὶ ἀθλοθέτας ἕνα κατὰ φυλὴν ἑκάστην καὶ στρατηγοὺς χειροτονεῖν ἐξ ἁπάντων.* See more in Schubert, p. 52—57.

4) Also called *ἐπιμεληταὶ τῶν ἐφήβων*, Dinarch. adv. Philocl. c. 15; comp. at large H. Prideaux ad Marm. Oxon. p. 87; Cors. F. A. ii. p. 143; Gesner Comm. Soc. Gott. t. iv. p. 38; Boeckh's Publ. Œcon. i. p. 319. Schubert. p. 67.

5) *Γυναικονόμοι*, comp. Meurs. Lectt. Att. ii. 5. and Meier's att. Proc. p. 97, who reckons them among the *κληρωτὰς ἀρχάς*, overlooking Menand. Rhet. de Encomiis, p. 105. Heer.

6) Athen. vi. 46: *ὅτι ἦν ἔθος τοὺς γυναικονόμους ἐφορᾶν τὰ συμπόσια καὶ ἐξετάζειν τῶν κεκλημένων τὸν ἀριθμὸν, εἰ ὁ κατὰ νόμον ἐστὶ κ. τ. λ.*

7) Those, that is to say, who exercised any control resembling that of police—see above, §. 113. n. 8, and on which point at large, see Meurs. Lectt. Att. l. 19; Boeckh's Publ. Œcon. i. p. 277; Meier's att. Proc. p. 88—96; Schubert, p. 81, sqq.; Baumstarck de Curat. Empor. p. 41—46; Wachsmuth, ii. 1. p. 65.

8) Aristot. Pol. vi. 5. 3; what Harpocr. mentions, *τούτοις δὲ μέλειν περὶ τῶν αὐλητρίδων καὶ ψαλτριῶν, καὶ κοπρολόγων, καὶ τῶν τοιούτων*, could naturally be but a part of their duties. Compare, for instance Isæus de Cleonymi her. c. 15.

9) See Neumann ad Aristot. Fgm. p. 66; Ast. ad Plat. de Legg. vi. 7. p. 293; Bornem. ad Xenoph. Symp. ii. 20. p. 76.

10) See above, §. 136. n. 6.

11) According to the emendation of Valesius ad Harpocr. p. 172; comp. Boeckh's Publ. Œcon. i. p. 113; Meurs. Piræus, c. 5; and especially the oration of Lysias against the corn merchants. The appointment of the *σιτῶναι* by nomination, *χειροτονία*, appears to have been extraordinary; see Demosth. pro Cor. p. 310, and more in Schubert, p. 115, who would hence explain the mention of only three by Lysias, ubi sup. c. 8—11. Consult further, de jure magg. p. 10.

12) According to Boeckh, Publ. Œcon. i. p. 67. Compare also Meurs. Lectt. Att. 1. 8.

13) Boeckh, ubi sup. p. 67, and 320.

§. 151. We have already spoken (§. 126) of the part the senate took in the administration of the Athenian finance department[1]. Of the officers who acted under it, the ten Poletæ rank first, who were charged with letting on farm the state lands, and the various branches of the revenue, and superintended the sale of confiscations[2]; the confiscated property was actually seized[3] either by the prosecutors in the trial in which it had been forfeited, or by the police court of the district. Regular officers, called Practores, were employed in the exaction of fines and forfeits[4]; though special commissioners were on some occasions appointed for that purpose[5]. A tenth of all confiscations and fines belonged to the treasury of Minerva, a fiftieth to that of the other deities[6], each of which was managed by ten treasurers[7] chosen by lot from among the wealthiest citizens[8]. It was not till Themistocles and Aristides had laid the foundation of a public treasury, properly so called, and the public economy had become complicated by the increase of the public revenues and expenditure, that it was found necessary for the people to elect a public treasurer[10], whose office lasted four years[11]; a particular board, that of the Poristæ[12], appear to have been charged with the levying extraordinary supplies. All the current expenses were originally paid by the Colacretæ, but, after the time of Clisthenes, these officers were entrusted only with money for defraying the expenses of the table in the Prytaneum; they were subsequently also charged with the payment of the Dicasts[13]. All other ordinary branches of the revenue, except those already mentioned, were received by the Apodectæ[14],

who distributed such receipts among the several boards who were entitled to them[15]. The military chest, claimed by law whatever balance annually remained in hand, after the payment of the state expenses[16], until the time when the deluded Athenians preferred making that surplus a fund for the Theoricon[17], on the augmentation of which they were for a time so intent, that its managers were empowered for a stated period to receive directly into their own hands, all that had previously been paid into those of the Apodectæ[18].

1) See at large Boeck's Publ. Œcon. i. p. 207., sqq.; Meier u. Schömann, p. 98; Wachsmuth, ii. 1. p. 146—153.

2) See above, §. 115. n. 9; §. 126. n. 11. and 12, and more in Meurs. Lectt. Att. i. 7; Sluiteri Lectt. Andoc. p. 258.

3) Ἀπογράφεσθαι, ἀπογραφαί, see Meier de bonis damn. p. 201—220; att. Proc. p. 254, sqq.; Platner's Beitr. p. 214; Pr. u. Kl. ii. p. 119—124; Heffter, p. 387—392. Compare also above, §. 124. n. 13; §. 143. n. 18; and particularly Demosth. adv. Nicostr.

4) Hence ἐγγράφειν τοῖς πράκτορσιν, ὃ τῷ δημοσίῳ γίγνεται, Demosth. adv. Macart. p. 1075. 2; Æschin. adv. Timarch. c. 15.

5) As the ζητηταὶ (§. 133. n. 2); the συλλογεῖς, οἵ τινες ἀπεγράφοντο τὰς οὐσίας τῶν ὀλιγαρχικῶν (Bekk. Anecdd. p. 304. comp. Meier l. l. p. 207; Boeckh. ad C. Inscr. i. p. 138); the σύνδικοι, ἀρχή τις καθισταμένη μετὰ τὴν ἐκ Πειραιῶς κάθοδον (Harp. with the note of Valesius, p. 182; comp. Schömann de Comitiis, p. 316; Meier att. Proc. p. 110—112.

6) Demosth. adv. Timocr. p. 738. 5; conf. Meurs. Lectt. Att. v. 13; Boeckh, Publ. Œcon. ii. p. 44; Meier de bonis, p. 215.

7) At least since it appears from the C. Inscr. n. 76, (of the date, Ol. xc.) that, at the same time that the treasury of the gods was placed in the ὀπισθόδομος of the Parthenon, (comp. Meurs. Lectt. Att. vi. 33; Cecrop. c. 25; Boeckh's Publ. Œcon. ii. p. 41, sqq.) a board of treasurers was appointed for its management, similar to that which had charge of the treasury of Minerva. See more in Boeckh's Publ. Œcon. i. p. 216., sqq.; also particularly, ii. p. 189, sqq.; and ad C. Inscr. i. p. 176, sqq., where he has commented at length on the audits of the accounts of both treasuries which took place every fourth year.

8) Pollux viii. 97: ταμίαι τῆς θεοῦ κληρωτοὶ μὲν ἐκ πεντακοσιομεδίμνων ἦσαν· τὰ δὲ χρήματα παρελάμβανον τῆς βουλῆς παρούσης—εἶχον δὲ ἐξουσίαν καὶ ζημίαν ἀφελεῖν, εἰ ἀδίκως ὑπὸ τῶν ἀρχόντων ἐπιβληθείη; comp. Lysias pro milite, c. 7. Are we however to conclude from Andoc., de Myster, c. 132, that this was a kind of liturgy?

9) See Plut. Vit. Themist. c. 4, and more below, chap. 7. §. 156.

10) Ταμίας τῶν κοινῶν προσόδων Plut. Vit. Aristid. c. 4), or τῆς κοινῆς διοικήσεως (Æschin. F. L. c, 43. conf. Poll. viii. 113: αἱρετὸς ἐπὶ τῶν προσιόντων καὶ ἀναλισκομένων); Boeckh, Publ. Œcon. i. p. 223.

11) Compare Petiti Legg. p. 337, sqq., where, however, this officer is strangely confounded with the others just alluded to; see also in particular, Plut. Vitt. x. Oratt. t. xii. p. 250, Hutt., who says, speaking of Lycurgus, *ταμίας γὰρ ἐγένετο ἐπὶ τρεῖς πενταετηρίδας . . . τὸ μὲν πρῶτον αἱρεθεὶς αὐτὸς, ἔπειτα τῶν φίλων ἐπιγραψάμενός τινα αὐτὸς ἐποιεῖτο τὴν διοίκησιν διὰ τὸ φθάσαι νόμον εἰσενεγκεῖν, μὴ πλείω πέντε ἐτῶν διέπειν τὸν χειροτονηθέντα ἐπὶ τὰ δημόσια χρήματα*, but he too errs by taking the Penteteris (the interval between the celebrations of the greater Panathenæa) to have been five full years; see Diod. xvi. 88, and Boeckh's Publ. Œcon. i. p. 221.

12) Bekk. Anecdd. p. 294. 19: *Πορισταί εἰσιν ἀρχή τις Ἀθήνησιν, ἥτις πόρους ἐζήτει*: comp. Antiph. de Chor. c. 49, and more in Boeckh, Publ. Œcon. i. p. 223, Voemel ad Demosth. Philipp. i. p. 197.

13) See Harp. s. v. *ἀποδέκται* and above §. 134, n. 18.

14) Poll. viii. 97: *ἀποδέκται δὲ ἦσαν δέκα, οἳ τούς τε φόρους καὶ τὰς εἰσφορὰς καὶ τὰ τέλη ἀπεδέχοντο καὶ τὰ περὶ τούτων ἀμφισβητήσιμα ἐδίκαζον, εἰ δέ τι μεῖζον ἦν, εἰσῆγον εἰς τὸ δικαστήριον.* Conf. Etymol. M. p. 124: *ἄρχοντες κληρωτοὶ . . . οἵτινες παρελάμβανον καὶ ἀπεδέχοντο τὰ γραμματεῖα τῶν ὀφειλόντων τῷ δημοσίῳ . . . εἶτα ἐξητάσαντο* (sic leg. pro *ἐξητήσαντο*) *τὰ ὀφειλόμενα καὶ τὰ ἀποδιδόμενα χρήματα σὺν τῇ βουλῇ καὶ ἐμέριζον εἰς ἃ χρὴ ἀναλίσκειν*: see also Aristot. Pol. vi. 5. 4, and more in Neumann ad Aristot. Fgm. p. 64; Boeckh and C. Inscr. i. p. 124.

15) Each of these appears to have had a *ταμίας* of its own appointment: the election of the *ταμίας τῆς παράλου*, by the people, (Demosth. Mid. c. 570), was owing to the circumstance that with respect to that vessel the state was itself the trierarch; comp. Boeckh's Publ. Œcon. i. p. 230.

16) Demosth. adv. Neær. p. 1346. 14: *κελευόντων τῶν νόμων, ὁπόταν πόλεμος ᾖ, τὰ περιόντα χρήματα τῆς διοικήσεως στρατιωτικὰ εἶναι*: comp. also C. Inscr. n. 76, extr.: *ἐπειδὰν δὲ ἀποδεδομένα ᾖ τοῖς θεοῖς τὰ χρήματα, εἰς τὸ νεώριον καὶ τὰ τείχη τοῖς περιοῦσι χρῆσθαι χρήμασιν.*

17) See Ulpian ad Demosth. Olynth. i. p. 13, with Voemel's note, p. 26, and more below, ch. vii.; meantime consult Boeckh, ut sup. p. 244, sqq.

18) Æschin. adv. Ctesiph. c. 7: *πρότερον μὲν τοίνυν ἀντιγραφεὺς ἦν χειροτονητὸς τῇ πόλει, ὃς καθ' ἑκάστην πρυτανείαν ἀπελογίζετο τὰς προσόδους τῷ δήμῳ, διὰ δὲ τὴν πρὸς Εὔβουλον γενομένην πίστιν ὑμῖν οἱ ἐπὶ τὸ θεωρικὸν κεχειροτονημένοι ἦρχον μέν, πρὶν ἢ τὸν Ἠγήμονος νόμον γενέσθαι, τὴν τοῦ ἀντιγραφέως ἀρχήν, ἦρχον δὲ τὴν ἀποδεκτῶν καὶ θεωρίων, καὶ σκευοθήκην ᾠκοδόμουν, ἦσαν δὲ καὶ ὁδοποιοὶ καὶ σχεδὸν τὴν ὅλην διοίκησιν εἶχον τῆς πόλεως.*

§. 152. To return to the consideration of the offices which were filled by elections by public vote, the most important of them were those connected with the army; namely, the ten Strategi, and ten Taxiarchs; with two Hipparchs, and ten Phylarchs[1], for the cavalry[2] exclusively. The navy also was commanded

by the Strategi[3], the Trierarchs cannot be considered public officers. The particular qualifications required in the Strategi were, that they should be living in honourable matrimony, and possess landed property[4]; all the above named officers were chosen annually: re-appointments[5] were common. The Taxiarchs and Phylarchs, at least, were chosen generally from the several Phylæ[6], which also contributed each its quota to the raising whatever force was required by the state[7]: it is not known what relation subsisted between the Demi[8], and the subdivisions of the army called τάξεις and λόχοι[9]. The commanders of these subdivisions were appointed by the Strategi, whose powers for the internal organization of the army appear to have been very great[10]. All citizens from the time they became ephebi, till the age of sixty[11], were liable to military service; before and after those ages, they were called out only on great emergencies[12]. The amount of the force to be actually employed, and the rotation of service[13] were decided by the people every year. Very few, besides the infirm[14], could be exempted from service[15]. The different kinds of service to be performed by the various classes (τιμήματα, τέλη,) have been already noticed in §. 108; but it is probable that less attention was paid to these regulations, after Pericles had introduced military pay[16]. The knights indeed received pay even in time of peace[17], but were in turn subject to the particular superintendence of the senate of Five-hundred[18].

1) Compare Sigonius Rep. Ath. iv. 5; Petiti Legg. p. 333—336; Garnier, Rech. sur les loix militaires des Grecs, in the Mém. de l'Acad. des Inscr. t. xlv. p. 241, sqq., particularly p. 256, sqq.; Barthél. Voy. d'Anach. ch. x.; Pastoret, Hist. de la législ. t. vii. p. 288. sqq.; Wachsm. i. 2. p. 48, sqq., and ii. 1. p. 375, sqq.

2) See Demosth. Philipp. i. p. 47; Poll. viii. 87, comp. Schömann de Comitiis, p. 313—315.

3) Hence the flagship was called στρατηγὶς ναῦς, and was generally the best sailing vessel in the fleet, being chosen out of it by the commander. Com-

pare Lysias de mun. acc. c. 6; Æschin. adv. Ctesiph. c. 13; Demosth. adv. Polycl. p. 1222. 28.

4) See the passage cited from Dinarchus, above, §. 129. n. 8, and Meurs. Them. Att. i. 11, where, however, I must remark, that some most irrelevant matter is collected.—Was any qualification in point of property required? Compare Isæus de Apollod. c. 39: *ὡς ἱππάδα τελῶν ἄρχειν ἠξίου τὰς ἀρχάς.*

5) Demosth. Procem. p. 1461. 11: *δεινότατοι γὰρ ἔστ' ἀφελέσθαι μὲν ὅσα ὑμῖν ὑπάρχει, καὶ νόμους περὶ τούτων θεῖναι, ἂν τις ἀστυνομήσῃ δὶς* (see §. 148. n. 8), *ἢ τὰ τοιαῦτα, στρατηγεῖν δ' ἀεὶ τοὺς αὐτοὺς ἐᾷν.* Compare Plut. Vit. Phoc. c. 8. and 19; Pericl. c. 38.

6) Thus Æschin. de F. L. c. 49; *τὸν τῆς Πανδιονίδος ταξίαρχον.* See more in Tittmann, p. 298, sqq. Isæus, however, says, de Dicæog. c. 42, *τῆς Ὀλυσίας φυλαρχῶν.*—It would seem, from Plut. Vit. Cimon, c. 8, that the rule obtained in the case of the Strategi also; but Pollux says, l. c., that they were *ἐξ ἁπάντων.* Consult further, the C. Inscr. n. 165, where however Boeckh, p. 294, has not fully removed the difficulty. Göttling's statement, in the Hermes, xxiii. p. 125, is extraordinary.

7) See Herodot. vi. 111; Plut. Vit. Aristid. c. 5; and Boeckh, de pugna Marathonia (Ind. lect. æst. 1816); Lysias pro Mantitheo, c. 15; also the C. Inscr. n. 169. 171. 172.

8) See especially, the C. Inscr. n. 172; also Isæus de Menecl. c. 42: *ἐστράτευμαι ἐν τῇ φυλῇ τῇ ἐκείνου καὶ τῷ δήμῳ,* and Demosth. adv. Polycl. p. 1208. 5: *τοὺς βουλευτὰς καὶ τοὺς δημάρχους κατολόγους ποιεῖσθαι τῶν δημοτῶν καὶ ἀποφέρειν ναύτας.*

9) Compare Xenoph. Mem. Socr. iii. 4. 1; Poll. viii. 114, and more in Per. ad Æl. Var. Hist. ii. 44; Dorvill. ad Charit, p. 477; Ast. ad Plat. de Legg. p. 286.—What was the relation between the *τάξις* and *φυλή*? Lysias, l. l. c. 16.

10) Aristoph. Pac. 1178: *ὁρῶσιν οὐκ ἀνασχετὰ τοὺς μὲν ἐγγράφοντες ἡμῶν, τοὺς δ' ἄνω τε καὶ κάτω ἐξαλείφοντες δὶς ἢ τρὶς, κ. τ. λ.,* compare Equit. 1382; Lysias pro milite, c. 4.

11) Ulpian is wrong in saying, ad Demosth. Olynth. ii. p. 29. 73, *μέχρι τετταράκοντα ἐτῶν στρατεύεσθαι ἀρξαμένους ἀπ' ὀκτωκαίδεκα,* but is followed by Petit. viii. l. p. 655, sq. Compare Harpocr. p. 124, and more in Taylor ad Lysiam, p. 245—248, t. i. Rsk:; and Vœmel ad Demosth. l. c. p. 115; on the Ephebia, see above, §. 123. n. 5, sqq.

12) Thucyd. i. 105; Lysiæ Epitaph. c. 53; Diodor. xiii. 72; Plut. Vit. Phocion. c. 24: *ἐξήκοντα ἐτῶν ἀφ' ἥβης.*

13) Schömann de Com. p. 281, sq.—Æschin. de Falsa Legat. c. 49: *ἐκ παίδων μὲν γὰρ ἀπαλλαγείς, περίπολος τῆς χώρας ταύτης ἐγινόμην δύο ἔτη* (§. 123. n. 9) . . . *πρώτην δ' ἐξελθὼν στρατείαν τὴν ἐν τοῖς μέρεσι καλουμένην . . . καὶ τὰς ἄλλας τὰς ἐκ διαδοχῆς ἐξόδους, τὰς ἐν τοῖς ἐπωνύμοις καὶ τοῖς μέρεσιν ἐξῆλθον:* compare Harpocratio, pp. 124 and 273: *εἰσὶ γὰρ ἐπώνυμοι δέκα μὲν οἱ τῶν φυλῶν* (§. 111. n. 2), *δύο δὲ καὶ τεσσαράκοντα οἱ τῶν ἡλικιῶν* (§. 138. n. 5) . . . *χρῶνται δὲ τοῖς ἐπωνύμοις καὶ πρὸς τὰς στρατείας, καὶ ὅταν ἡλικίαν ἐκπέμπωσι, προσγράφουσιν ἀπὸ τίνος ἄρχοντος ἐπωνύμου μέχρι τίνος δεῖ στρατεύεσθαι,* see also Siebel. ad Philoch. Fragm. p. 43; Neumann ad Aristot. Fragm. p. 97; and Corsini, F. A. ii. p. 135, sqq. The *στρατεία ἐν μέρεσι,* according to the lexicographers in v. *τερθρεία,* meant merely *ἐν μέρεσι τοῖς ἀκινδύνοις*

τῆς μάχης!! See, on this point at large, Boeckh in the Ind. Lectt. hib 1819—20. p. 7, sq., according to whom ἡ ἐν τοῖς μέρεσι illa, qua non integra unius aut plurium annorum manus, sed delecti maxime ex junioribus quasi vexillarii emitterentur ad pompas deducendas ac velitationes et in stationes minus periculosas. Wachsm. ii. 1. p. 442, is unsatisfactory.

14) Ἀδύνατοι, see in particular, Lysias de Invalido, with Taylor's introduction, p. 739, Rsk.; Æschin. adv. Timarch. c. 42; and more in Meurs. Lectt. Att. vi. 5; Petiti Legg. viii. 3. 5. p. 668; Boeckh's Publ. Œcon. i. p. 323—328; Neum. ad Aristot. Fragm. p. 63.

15) The members of the council of 500 (Lycurg. adv. Leocr. c. xi. 4); the farmers of the tolls and customs (Demosth. adv. Neær. p. 1353. 22); and even the commanders of merchant vessels (Hemsterh. ad Aristoph. Plut. p. 306, Elmsl. ad Acharn. 399) enjoyed ἀτέλειαν ἐκ τῶν νόμων: compare Petiti Legg. viii. 2. p. 664; Wachsm. ii. 1. p. 397; the choreutæ however needed, it appears, a special dispensation, ἀφεθῆναι, Demosth. Mid. c. 7, coll. c. 52, and adv. Bœot. de nom. p. 999. 7.

16) See Ulpian. ad Demosth. π. συνταξ. p. 50. A.: πρῶτος γὰρ ἐκεῖνος ἔταξε μισθοφορὰν καὶ ἔδωκε τῷ δήμῳ στρατευομένῳ. The amount varied according to circumstances; compare Meurs. Lectt. Att. ii. 8; Petiti Legg. p. 662; Boeckh's Publ. Œcon. i. p. 363, sqq.; Wachsm. ii. 1. p. 120; from two obols to a drachma (Thucyd. iii. 17: δίδραχμοι ὁπλῖται ἐφρούρουν· αὐτῷ γὰρ καὶ ὑπηρέτῃ δραχμὴν ἐλάμβανε τῆς ἡμέρας). Officers received double, the cavalry three times, and the generals four times the pay of a private foot soldier (Xenoph. Anab. vii. 6. 1, coll. 3. 9), besides provisions, or provision money, (σῖτος, σιτηρέσιον, Demosth. adv. Polycl. p. 1209) to an equal amount; compare Demosth. Philipp. i. p. 48; troops serving at sea generally received three obols (Thucyd. viii. 45), the παραλῖται alone (see §. 140. n. 3) had four; compare Meurs. l.l. c. 7, and Scheffer de mil. nav. iv. 1. p. 250, sq.

17) Κατάστασις, see Harp. p. 164, whose assertion, ἀπεδίδοτο δὲ τὸ ἀργύριον ὅταν ἀντ' αὐτῶν ἕτεροι καθίσταντο, which has been repeated by others, by Pastoret for instance, t. vii. p. 292, arose from a mere misinterpretation of Lysias pro Mantitheo, c. 6. See more in Boeckh's Publ. Œcon. i. p. 334—337.

18) See Meier de bonis damn. p. 124, and the authorities cited above, §. 108, n. 11.

§. 153. The duties of the military commanders were not confined to service in the field and the enlistment of troops, but extended even in time of peace[1] to every thing connected with the service. The Strategi in particular had the right of calling public assemblies and proposing measures connected with their office[2]; they superintended the exaction of all direct and extraordinary contributions to the service, such as the Trierarchy[3]; they presided not only in all courts-martial[4], but in all trials respecting the liabilities just alluded to[5]: and in this they were assisted by the Taxi-

archs[6]. The Hipparchs were charged with training the cavalry in time of peace[7]; but the chief object in the maintenance of that corps seems to have been the gratification of the people by splendid processions at the annual festivals[8], rather than the interests of the service in the field, for which the knights appear to have sometimes found substitutes[9]. In course of time, these military officers, and the Strategi in particular, as their political influence and duties within the state increased[10], receded further and further from the original design of their appointment[11]; so that instead of the ten, who at first all took the field, only three[12] were so employed, and eventually only two[13]; the third remaining in the city to attend to the immediate exigencies of the force employed.

1) Compare Jo. Gebauer de strategis Græcorum civili numere perfungentibus (Dresd. 1751); and Tittmann, p. 265—268.

2) See above, §. 128. n. 6; hence the formula *βουλῆς καὶ στρατηγῶν γνώμῃ* occurring in decrees, as in Demosth. de Cor. p. 282. 10.

3) Demosth. adv. Bœot. 997. 1: *τίνα δ' οἱ στρατηγοὶ τρόπον ἐγγράψουσιν, ἐὰν εἰς συμμορίαν ἐγγράφωσιν ἢ ἐὰν τριήραρχον καθιστῶσι*; see Aristoph. Equ. 923, and more below, chap. vii. §. 161, 162; compare also Schöm. de Comitiis, p. 314.

4) See §. 124. n. 3; §. 146. n. 2; compare Æschin. adv. Ctesiph. c. 56, and see more in Meier u. Schömann att. Proc. p. 363—366; Platner, ii. p. 89—96.

5) See Meier u. Schömann, p. 103—109, and with reference to the case just mentioned in n. 3, see in particular Demosth. adv. Phænipp. p. 1040. 10; coll. p. 1043. 12: *εἰς τὸ στρατήγιον ἔδωκα τὴν ἀπόφασιν*. Baumstarck, de Curat. Empor. p. 56, questions this right, but without sufficient grounds. See §. 138. n. 3.

6) Demosth. adv. Bœot. p. 999. 15: *καὶ ἐγὼ ταξιαρχῶν τῆς φυλῆς ἠναγκαζόμην . . . δέχεσθαι τὴν λῆξιν*, evidently only as *πάρεδρος* of the Strategos; comp. adv. Theocrin. p. 1332. 14.

7) See, at large, Xenophon's Treatise de officio Magistri equitum.

8) Xenoph. ibid. c. 3, and de re equestri xi. 10; Demosth. Mid. cc. 46, 47.

9) Compare Demosth. Mid. c. 44; Philipp. i. p. 47. 22; also Xenoph. Mag. Equ. ix. 5: *ὅτι καὶ οἷς καθήκει τὸ ἱππικὸν, ἐθέλουσι τελεῖν ἀργύριον, ὡς μὴ ἱππεύειν*.

10) Compare de jure magg. p. 23, and more in Eur. Androm. v. 690; Dinarch. adv. Demosth. c. 111; Æschin. adv. Timarch. c. 54; adv. Ctesiph. c. 64: *οἱ γὰρ ἀγαθοὶ στρατηγοὶ ὑμῶν καὶ τῶν τὰς σιτήσεις τινὲς*

εὑρημένων ἐν τῷ πρυτανείῳ, ἐξαιτοῦνται τὰς γραφὰς τῶν παρανόμων; and on the species of rank enjoyed by their children, see in particular, Æschin. ad Timarch. c. 13, and Demosth. adv. Phorm. p. 922. 6: καὶ ταῦτα πολίτην ὑμῶν ὄντα καὶ πατρὸς ἐστρατηγηκότος. Aristoph. Eccl. 758: τὸν τῆς στρατηγοῦ τοῦτον οὐ θαυμάζετε;

11) Demosth. Philipp. i. p. 47. 12: πλὴν ἑνὸς ἀνδρὸς, ὃν ἂν ἐκπέμψητε ἐπὶ τὸν πόλεμον, οἱ λοιποὶ τὰς πομπὰς πέμπουσιν ὑμῖν μετὰ τῶν ἱεροποιῶν .... εἰς τὴν ἀγορὰν χειροτονεῖτε τοὺς ταξιάρχους καὶ τοὺς φυλάρχους, οὐκ ἐπὶ τὸν πόλεμον, comp. Boeckh's Publ. Œcon. i. p. 361.

12) See Wachsm. i. 2. p. 49; Meier, ut sup. p. 106.

13) Boeckh's Publ. Œcon. i. p. 243; and particularly to Demosth. de Cor. p. 265. There was afterwards a στρατηγὸς ἐπὶ τὴν χώραν τὴν παραλίαν, see the C. Inscr. n. 178, 179, and compare Plut. Vit. Phoc. c. 32.

§. 154. Although the election by open vote, χειροτονία, took place in so few cases, it appears that all persons, without distinction, were subject to the ἐπιχειροτονία, or confirmation of their appointment by each successive Prytany at the commencement of its period of office[1], when any one was at liberty to propose the rejection of an individual against whom he thought fit to proceed at once without waiting for the expiration of his office. We have already spoken (§. 147) of the responsibility of public officers as such. In general, all who had exercised judicial functions, or had the management of any part of the public property, particularly the Diætetæ[2], as also all priests, trierarchs, and others, who had had public monies or property in their hands[3], and extraordinary ambassadors[4], were bound, on the expiration of their term of office, to present themselves before the Logistæ and Euthuni[5] to verify their accounts[6], and answer all comers who might consider themselves or the state to have been defrauded[7]. The Logistæ and Euthuni[8] were elected by lot, one out of each Phyle[9], and were allowed twenty assistants[10]. Business was transacted before them in much the same way as before the Archons. They had full powers to pronounce sentence in every accusation that was made before them[11].

There were, however, cases in which they had merely the *ἡγεμονία*[12]; and in such the state was represented by pleaders chosen by lot[13]. Every person subject to the *εὐθύνη* was considered a state debtor until he had passed it, and could dispose neither of himself nor of his property, the latter being as it were in pawn to the state; neither could he be candidate for any public office or distinction[14].

1) In every *ἐκκλησία κυρία*, see §. 128. n. 3 and 4, and more in Meier de bonis, p. 39; Platner, Proc. und Kl. i. p. 330, sqq., see particularly Demosth. adv. Theocrin. p. 1330. 16, and Poll. viii. 87, who says, speaking of the archons, *καθ' ἑκάστην πρυτανείαν ἐπερωτᾷν, εἰ δοκεῖ καλῶς ἄρχειν ἕκαστος· τὸν δ' ἀποχειροτονηθέντα κρίνουσι.* So also adv. Aristog. ii. p. 801. 20: *διὸ καὶ τὰς τιμωρίας ὁ Σόλων τοῖς μὲν ἰδιώταις βραδείας ἐποίησε, ταῖς δ' ἀρχαῖς καὶ τοῖς δημαγωγοῖς* (comp. §. 129. n. 7?) *ταχείας.*

2) Compare particularly, Demosth. Mid. c. 24 and 25, and above, §. 133. n. 12.

3) See above, §. 147. n. 12, and, on the Trierarchs in particular, Boeckh, Publ. Œcon. i. p. 389; compare also the commentt. on Demosth. de Symmor. t. i. p. 771, Schæferi.—Demosth. adv. Polycl. 1222. 11, proves their responsibility only in their military capacity.

4) Demosth. de Falsa Legat. p. 367. 2: *τοῦτο γάρ εἰσι πρεσβείας εὐθῦναι· τί πέπρακται; τί ἀπήγγειλας; εἰ μὲν ἀληθῆ, σώζου· εἰ δὲ ψευδῆ, δίκην δός.* But see de jure magg. p. 49; and, on the daily pay of ambassadors, Aristoph. Acharn. v. 67; Demosth. Falsa Legat. p. 390. 22.

5) Comp. Æschin. adv. Ctesiph. p. 395. 3, (above, §. 147. n. 10), and the Scholiast in loco; *λογισταὶ ἕνεκα τῶν ἀριθμὸν ἀνδρες ἦσαν, παρ' οἷς οἱ πρεσβεύσαντες ἤ τι δημόσιον δικάσαντες* (or *διοικήσαντες*?) *ἤ τινα ἀρχὴν ἄρξαντες ἐδίδοσαν τὰς εὐθύνας.* Others, however, were accountable only to their constituents, as the *φυλῶν ἐπιμεληταὶ* only to their *φυλέται*, Demosth. adv. Theocrin. p. 1326. 20; comp. de jure magg. p. 52. According to Pollux (viii. 28), the Strategi were accountable to the Thesmothetæ; compare, however, Bekk. Anecdd. p. 310. 6: *οἱ λογισταὶ τὰς εὐθύνας ἀπάσας εἰσῆγον.*

6) Schol. Aristoph. Eqn. v. 822: *οἱ γὰρ χειρίσαντές τι τῶν κοινῶν καὶ διοικήσαντες τῶν ἀναλωμένων χρημάτων εὐθύνας καὶ λογισμοὺς ἔδοσαν.* Even *ὃς οὔτε εἴληφεν οὐδὲν τῶν δημοσίων οὐτ' ἀνήλωκε, προσῆλθε δὲ πρός τι τῶν κοινῶν, καὶ τοῦτον . . . αὐτὸ τοῦτο ἐγγράφειν*, according to Æschin. adv. Ctesiph. c. 6.—Against persons who delayed to pass their accounts recourse might be had to the *γραφὴ ἀλογίου*, see the Lexicogr. and Meier's att. Proc. p. 363.

7) *Τὸν τῶν λογιστῶν κήρυκα κηρύξαι τὸ πάτριον καὶ ἔννομον κήρυγμα τοῦτο· τίς βούλεται κατηγορεῖν*; Æschin. ibidem: compare, at large, Heffter, p. 374, sqq.; Tittmann, p. 323—333; Meier und Schömann, p. 214—224; Platner, i. p. 338—351; and on the writing, *εὔθυνα* or *εὐθύνη* Schäfer ad Demosth. i. p. 229.

8) On these see Petiti Legg. p. 308, sq.: Boeckh's Publ. Œcon. i. p. 254, sq. and Neum. ad Aristot. Fragm. pp. 73 and 87. The chief authority is Harpocr. in v. λογισταὶ, according to whom *διείλεκται περὶ τούτων Ἀριστοτέλης ἐν τῇ Ἀθηναίων πολιτείᾳ, ἔνθα δείκνυται, ὅτι διαφέρουσι τῶν εὐθύνων*, a distinction which is the more surprising, since both names occur promiscuously (comp. Aristot. Pol. vi. 5. 10; Phot. Pors. p. 32. 20), and never together or in contrast. Hence Meier has conjectured (att. Proc. p. 101), that the officers who were at first called Euthuni, were the same as those afterwards called Logistæ; G. Hermann (über Hern Prof. Boeckh's Behandlung der griech. Inschriften, Leipzig, 1826. p. 220, sqq.), rejects the distinction entirely, but Boeckh has since re-asserted his opinion, in the Rhein. Museum, i. p. 58—97, which Göttling also in some measure supports, by supposing that the Logistæ formed a superior board of control, which received the report of the Euthuni, these being charged with the actual labour and details of the investigation.

10) Bekk. Anecdd. p. 276. 17; the assertion in Poll. viii. 99: *λογισταί· καὶ τούτους ἡ βουλὴ κληροῖ κατ' ἀρχὴν ὡς παρακολουθεῖν τοῖς ἄρχουσι*, is now referred, as well as the passage preceding it, to the clerks, by Hermann and Boeckh (Rhein. Mus. p. 93); but it appears probable that their import is the same with that of the Scholiast on Plato, p. 243, Ruhnkeni: *εὔθυνοί εἰσιν ἄρχοντές τινες, οἱ τὰς εὐθύνας λαμβάνοντες παρὰ τῶν ἀρχόντων, ὥσπερ καὶ οἱ λογισταὶ, καὶ πάρεδροι ἑφ' ἑκάστῃ ἀρχῇ· καὶ γὰρ τῷ ἄρχοντι εὔθυνος ἦν καὶ πάρεδρος καὶ τῷ βασιλεῖ ὁμοίως καὶ τῷ πολεμάρχῳ καὶ τοῖς θεσμοθέταις· ἐκπράσσει δ' ὁ εὔθυνος, ὅσα ἐπὶ τῆς ἀρχῆς, ᾗ προστέτακται, ὠφλόν τινες εἰς τὸ δημόσιον*: so that if no violence is to be offered to what next follows in Poll. viii. 100: *οἱ δὲ εὔθυνοι, ὥσπερ οἱ πάρεδροι τοῖς ἐννέα ἄρχουσι, προσαιροῦνται· οὗτοι δ' εἰσπράσσουσι καὶ τοὺς ἔχοντας*, any one may hold what opinion he pleases of this particular class of Logistæ and Euthuni (compare also Hauptmann de Andocide, t. viii. p. 570, Rsk.) It is to be remarked further that each Demus had its own Euthuni; see the C. Inscr. n. 70, where read *παρὰ τὸν εὔθυνον*, comp. n. 88[1].

10) Phot. Pors. p. 31. 20: *εὔθυνος ἀρχὴ ἦν τις· ἐξ ἑκάστης δὲ φυλῆς ἕνα κληροῦσι, τούτῳ δὲ δύο πάρεδρους*: comp. Andoc. de Myster. c. 78: *ὅσων εὐθύναι τινές εἰσι κατεγνωσμέναι ἐν τοῖς λογιστηρίοις ὑπὸ τῶν εὐθύνων ἢ τῶν παρέδρων*, and above, §. 149. n. 12. Platner, i. p. 340, has committed the mistake of confounding the Euthuni and their *πάρεδροι*. Is it allowable to understand the thirty Logistæ mentioned in the C. Inscr. n. 76, to have been these *πάρεδροι*??

11) *Ἐπισημαίνεσθαι*, Dem. de Cor. p. 310. 21; comp. Boeckh, Publ. Œcon. i. p. 259. n. 187.

12) Comp. Bekk. Anecdd. p. 245. 6: *εὐθύνας κυρίως ἃς εἰσάγουσιν οἱ λογισταὶ πρὸς τοὺς ὑπέχοντας μὴ ὀρθῶς ἀρξαι τῆς πόλεως ἢ πρεσβεῦσαι κακῶς· καὶ τὰ δικαστήρια μὲν οἱ λογισταὶ κληροῦσι, κατηγορεῖ δ' ὁ βουλόμενος· καὶ τοῖς δικάσταις ἐφεῖται τιμᾶσθαι τοῖς ἁλοῦσιν* (consequently the *ἀτιμία* mentioned in Lysias, de affect. tyr. c. 11, was by no means a necessary or regular consequence, as Sluiter appears to maintain in his Lectt. Andoc. p. 248. See further Meier att. Proc. p. 99—103, and the authors quoted above, in n. 7. The expressions of Pollux, viii. 45, are very guarded and indecisive: *εὐθύνη δὲ κατὰ τῶν ἀρξάντων ἢ πρεσβευ-*

[1] Compare with this note and the preceding, the remarks of the translator of Boeckh's Publ. Œcon. in vol. i. p. 256 of that work. TRANSL.

σάντων ἦν μὲν περὶ χρημάτων πρὸς τοὺς εὐθύνους καὶ λογιστὰς—οὗτοι δ' ἦσαν δέκα—ἦν δὲ περὶ ἀδικημάτων πρὸς δικαστάς.

13) See §. 133. n. 1, and Neumann, l. l. p. 88.

14) Æschin. adv. Ctesiph. c. 9: *ἀρχὴν ὑπεύθυνον φησὶ μὴ ἀποδημεῖν (ὁ νομοθέτης) . . . πάλιν ὑπεύθυνον οὐκ ἐᾷ τὴν οὐσίαν καθιεροῦν οὐδὲ ἀνάθημα ἀναθεῖναι οὐδὲ ἐκποίητον γενέσθαι οὐδὲ διαθέσθαι τὰ ἑαυτοῦ . . . ἐνὶ δὲ λόγῳ ἐνεχυράζει τὰς οὐσίας τῶν ὑπευθύνων, ἕως ἂν λόγον ἀποδῶσι τῇ πόλει.* Comp. ibid. c. 3: *τοὺς ὑπευθύνους μὴ στεφανοῦν*, and Demosth. adv. Timocr. p. 747. 1, see above, §. 148. n. 8.

CHAP. VII.

THE INTERNAL HISTORY OF THE ATHENIAN DEMOCRACY.

§. 155. How acceptable this form of government was to the Athenian Demos, is sufficiently evinced by the firm attachment to it displayed during a period of several centuries, and by the pains which were taken to restore it to its original integrity, after every transient commotion by which it was endangered. But, however acceptable to the multitude, it could not conduce to the real good of the body politic, any longer than that degree of unanimity was maintained, which is absolutely necessary to preserve a democracy from the disruption of interests which renders it a tyranny of the numerical majority over the minority. Every division of interests necessarily assumed the character of open feud, and, as no provision had been made in the institutions of the country prospectively to the rise of an opposition, they were the more endangered, when the course of affairs, and the vicissitudes the state experienced in its domestic and foreign relations, necessarily produced one. Even the privilege of liberty of speech could, from its very nature, be of use only where all proceeded on the same principles to the same ends, disagreeing only as to the means to be employed for their attainment: the state could but be a gainer by such rivalry as sub-

sisted between Themistocles and Aristides[1]. But, so soon as the common good came to be only a secondary object and each sought merely to derive the utmost advantage to his individual self from his political influence, disagreement as to the ends pursued entailed division in their pursuit: and it being impossible that the same form of constitution should be favourable to all alike, a struggle of parties arose, each wishing to use it as an instrument against the rest. Hence there was, on the one hand, a jealousy for its maintenance intact, on the other, an unceasing struggle for its change or overthrow; especially as the weaker party in Athens had not for its object, as in Rome, a mere participation in privileges possessed by the stronger. It was rather a merely numerical majority, which decided indeed all cases according to certain established forms of government, but whose interests were not therefore those of the community at large, for, as soon as it had learnt to consider itself a distinct party[2], its declared object was the devoting all property alike, whether public or private, to the gratification of its own wants and desires[3].

1) Comp. Heeren's Res Greece, p. 220, sqq.; Wachsm. i. p. 52—57, and especially Isocr. Paneg. c. 22. p. 59, Spohn.: *οὕτω δὲ πολιτικῶς εἶχον, ὥστε καὶ τὰς στάσεις ἐποιοῦντο πρὸς ἀλλήλους, οὐχ ὁπότεροι τοὺς ἑτέρους ἀπολέσαντες τῶν λοιπῶν ἄρξουσιν, ἀλλ' ὁπότεροι ὀρθήσονται τὴν πόλιν ἀγαθόν τι ποιήσαντες· καὶ τὰς ἑταιρείας συνῆγον* (Plut. Vit. Them. c. 2), *οὐχ ὑπὲρ τῶν ἰδίᾳ συμφερόντων ἀλλὰ ἐπὶ τῇ τοῦ πλήθους ὠφελείᾳ.*

2) Boeckh, i. p. 260. "The display of noble actions, it is true, has ceased, and will never re-appear with the same brilliancy; but the principles of the majority of mankind have been elevated, even if we allow that some distinguished individuals in ancient times were as pure as the most exalted characters of modern days; and in this general elevation consists the progress of mankind."

3) See above, §. 68 and 69, and more particularly Aristot. Pol. iv. 3. 9: *ἔστι δημοκρατία μὲν ὅταν οἱ ἐλεύθεροι καὶ ἄποροι πλείους ὄντες κύριοι τῆς ἀρχῆς ὦσιν, ὀλιγαρχία δὲ, ὅταν οἱ πλούσιοι καὶ εὐγενέστεροι ὀλίγοι ὄντες.* Can we then, with Hegewisch and others, (see Boeckh's Publ. Œcon. i. p. 201, sq.), assert, as a general principle, that financial regulations never gave rise to political changes in the states of antiquity, but only encroachments on their civil and judicial constitution.

§. 156. Of the internal sources of the Athenian revenue we have already spoken, (§. 126,) and these come the less under consideration here, from the circumstance that they were necessarily devoted to the current exigencies of the state; nor can the formation of a public treasure be dated even from the appropriation Themistocles made of the produce of the silver mines to public purposes, instead of dividing it, as heretofore, among the citizens at large[1], since the express purpose of that appropriation, namely, the building and maintenance of a fleet, will hardly allow us to think that there was ever any great overplus, at least not till Athens had opened for itself new sources of revenue, after attaining the supremacy over the Greek coasts and islands[2]. The plan which Themistocles had laid with deep political foresight[3], was carried further, by the disinterestedness of Aristides, than the former had anticipated, or would himself have had the virtue to carry it[4]. It was owing to the confidence with which the integrity of Aristides, and his respect for the rights of all alike, inspired the allies, contrasted as it must have been with the despotism of Persia, and the ambition of Sparta[5], that the important advantage of managing the common treasure, and the appointment of the Hellenotamiæ[6], was ceded to the Athenians exclusively. It is probable that the allies acceded the more readily to this arrangement from the circumstance that the treasure was originally deposited in Delos, which was also the place of congress for the discussion of all common interests[7]. The Athenians did not begin to look upon this treasure as their own, and on the states who contributed it as their tributaries[8], till the treasury had been transferred, on the proposal of the Samians, to Athens itself[9].

1) Plut. Vit. Them. c. 4; compare Boeckh in the Abhh. d. Berl. Acad. v. 1815. p. 117, sqq., and his Publ. Œcon. ii. p. 462.

2) See Boeckh, ii. p. 151, sqq., 193, sqq.; and on the supremacy of Athens as head of the confederate Greeks, see Manso, über das Verh. zw. d. Athenern und ihren Bundesgenossen (Breslau, 1802); Drumann's Gesch. d. Verfalls d. griech. St. p. 374—405; Guil. Groen van Prinsterer's Resp. ad Quæst.: quæ fuerit ratio necessitudinis, quæ inde a pugna Platæensi usque ad initium belli Peloponnesiaci Atheniensibus cum civitatibus sociis intercessit? (Lugd. B. 1820); Kortüm, zur Gesch. hellen. Staatsv. p. 46—67; Poppo's Prolegg. ad. Thucyd. i. P. 2. p. 40—77; Wachsm. i. 2. p. 69—83, and on its extent and duration (from B. C. 477—444, or 73 years, as stated by Demosth. Philipp. iii. p. 116, sq.) Clinton's F. H. ii. p. 248—252, and above §. 36. n. 7.

3) Thucyd. i. 93: *τῆς γὰρ θαλάσσης πρῶτος ἐτόλμησεν εἰπεῖν ὡς ἀνθεκτέα ἐστὶ, καὶ τὴν ἀρχὴν εὐθὺς συγκατεσκεύαζε, κ. τ. λ.*; Diod. xi. 39—43. Compare also J. H. Boecler's Diss. de Themistocle (Diss. Academ. t. ii. Argent. 1710. p. 1145—1158), and Dahlmann's Forschungen, i. p. 71.

4) *Σοφὸς γὰρ ἀνὴρ, τῆς δὲ χειρὸς οὐ κρατῶν*, Plut. Vit. Aristid. c. 4; comp. Vit. Themist. c. 21 and 25; Ælian. Var. Hist. x. 17; also Herodot. viii. 5.

5) Diodor. xi. 46; Plut. Vit. Aristid. c. 23.

6) *Ἑλληνοταμίαι, οἱ τοὺς φόρους ἐκλέγοντες καὶ ἐπὶ νήσων τὰ παρὰ τῶν νησιωτῶν εἰσπράττοντες καὶ τὰς πολιτείας αὐτῶν ἐφορῶντες* (?) Pollux, viii. 114; comp. Thucyd. i. 96, and more in Barthélemy in the Mém. de l'Acad. des Inscr. xlviii. p. 337—407; Boeckh's Publ. Œcon. i. p. 224, sqq; and in the C. Inscr. n. 147.

7) Thucyd. ibid.: *ταμιεῖον δὲ Δῆλος ἦν αὐτοῖς καὶ ξύνοδοι ἐς τὸ ἱερὸν ἐγίγνοντο* (comp. §. 11. n. 9?) — *ἡγούμενοι δὲ αὐτονόμων τὸ πρῶτον καὶ ἀπὸ κοινῶν ξυνόδων βουλευόντων, κ. τ. λ.*

8) Thucyd. i. 19: *Ἀθηναῖοι δὲ ναῦς τῶν πόλεων τῷ χρόνῳ παραλαβόντες ἦρχον πλὴν Χίων καὶ Λεσβίων, καὶ χρήματα τοῖς πᾶσι τάξαντες φέρειν.* Hence *ὑπήκοοι* and *φόρου ὑποτελεῖς*, i. 56, vii. 7; comp. Schæfer ad Dionys. de Compos. p. 363, and on the subject at large, Krüger ad Dionys. Histor. p. 326. The picture drawn by Isocr. Paneg. c. 30, was mere fiction.

9) Diodor. xii. 38; Plut. Vit. Aristid. c. 25; compare Boeckh. Publ. Œcon. i. p. 132, coll. p. 148, sq.

§. 157. It must not however be forgotten in this place, that these contributions were strictly intended as a compensation to Athens for the expenses of providing vessels and men for most of the other states [1], and that it was the fault of the allies themselves if, from mere love of ease and for their own convenience, they not only consented to become dependent on

Athens, but deprived themselves of the means of ever regaining their independence[2]. The injustice of which the Athenians proved guilty, lay in the circumstance, that, instead of employing the treasure against the common enemy, Persia, they used it to forward their private interests, and even against the allies themselves, until on a series of trifling pretexts, they subdued them all[3]. Some of the more powerful, as Naxos, Samos, and Mitylene, fell in opposing these ambitious proceedings by open force[4]; and eventually Methymna in Lesbos, and Chios, alone remained independent[5]. The others were not allowed to retain even the administration of justice, but were compelled to send all cases for trial before the Athenian Heliasts[6]; and although these states in general retained their own municipal institutions[7], Athens occasionally sent out superintendents[8], and employed spies[9]. No special officers were required for levying the tribute, the allies being bound to bring it themselves annually to Athens at the great Dionysia[10]. Collectors[11] appear to have been sent only under peculiar circumstances. The amount was fixed by Aristides at 460 talents[12], but it rose gradually and as suited the caprice of the Athenians, to nearly 1300[13]; it seems to have been doubled at once, about B. C. 420, when Alcibiades proposed that the quotas of the allies should be fixed anew[14].

1) Thucyd. i. 96, expressly distinguishes, (*ἔταξαν ἃς τε ἔδει παρέχειν τῶν πόλεων χρήματα πρὸς τὸν βάρβαρον καὶ ἃς ναῦς,*) whereas Plutarch, Vit. Cim. c. 11, confounds the two, speaking as though all originally contributed both men and money. Compare also Thucyd. vi. 85: *ἐξηγούμεθα Χίους μὲν καὶ Μηθυμναίους νεῶν παροχῇ αὐτονόμους, τοὺς δὲ πολλοὺς χρημάτων βιαιότερον φορᾷ*, and Andoc. de pace, c. 38: *πείσαντες μὲν οὖν Ἀθήναι ποιήσασθαι τῶν κοινῶν χρημάτων Ἑλληνοταμίας καὶ τὸν σύλλογον τῶν νεῶν παρ' ἡμῶν γενέσθαι, ὅσαι δὲ τῶν πόλεων τριήρεις μὴ κέκτηνται, ταύταις ἡμᾶς παρέχειν*, see also Plut. Vit. Pericl. c. 12.

2) Thucyd. i. 99.

3) Thucyd. vi. 76: *ἡγεμόνες γὰρ γενόμενοι ἑκόντων . . . ὡς ἐπὶ τοῦ Μήδου τιμωρίᾳ, τοὺς μὲν λειποστρατίαν, τοὺς δὲ ἐπ' ἀλλήλους στρατεύειν, τοῖς δ' ὡς ἑκάστοις τινὰ εἶχον αἰτίαν εὐπρεπῆ ἐπενεγκόντες, κατεστρέψαντο.*

4) Naxos, B. C. 466 (Thucyd. i. 98. coll. 138); Byzantium and Samos, B. C. 441 (i. 115—117); Mitylene in Lesbos, B. C. 427 (iii. 27—60).

5) Thucyd. i. 19; ii. 9; vi. 85; vii. 57; Samos became again independent B. C. 412; comp. viii. 21.

6) See Xenoph. de Rep. Ath. i. 14—18, and more in Boeckh's Publ. Œcon. ii. p. 141; Meier u. Schöm. att. Proc. p. 778, sqq.; Wachsm. i. 2. p. 80; especially Antiph. de cæde Herodis, from which oration it appears that the proceedings were conducted according to Athenian law, (compare also Thucyd. i. 77), so that the term *δίκαι ἀπὸ συμβόλων* (see above, §. 116. n. 5, and Bekk. Anecdd. p. 436. 1; Hesych. i. p. 489) must have been a mere euphemism.

7) Among whom Boeckh (see the C. Inscr. p. 258) reckons the Delian archons mentioned in the Sandwich marble. Compare the case of the Corinthian *ἐπιδημιουργὸς* in Potidæa, Thucyd. i. 56. It would seem however from Aristoph. Av. 1041, that the islands sometimes, even without provocation, made pretensions to independence, for the poet represents the proposal of weights and measures uniform with those in use at Athens, as made with a view to conciliation.—Of the *νησιῶται*, see Antipho de cæde Herodis, c. 77.

8) *Ἐπίσκοπος τῷ κνάμῳ λαχὼν*, Aristoph. Av. 1023, also called *φύλαξ* and *ἄρχων*, unless indeed *φρούραρχος* be the more proper name, (Thucyd. i. 115; coll. C. Inscr. n. 73). See, on the subject at large, Harpocr. p. 120, who compares them to the Lacedæmonian harmosts; also Boeckh's Publ. Œcon. i. p. 319; Osann, Syll. Inscr. p. 7.

9) *Κρυπτοί*, Bekk. Anecdd. p. 272. 1, conf. Schol. Aristoph. Thesm. 600: *καὶ ἐν Θάσῳ ἀρχή τις κρύπτεται* (lege *κρυπταί*).

10) Aristoph. Acharn. 510 and 650, with the Schol.

11) *Ἐκλογεῖς*, see Hemsterh. ad Lucian. Charon. c. 11. p. 504; Boeckh's Publ. Œcon. i. pp. 210. 238, sqq.

12) Thucyd. i. 96. Diodorus, xi. 47, erroneously says 560.

13) Andoc. de Pace, c. 9; Æschin. F. L. c. 51; Xenoph. Anab. vii. 1. 27, says only 1000 (?) Consult on the subject at large, Meurs. Lectt. Att. i. 1, and de Fort. Athen. c. 7.

14) Andoc. c. Alcib. c. 11; speaking probably of the amount fixed by Pericles, which was, at the commencement of the Peloponnesian war, 600 talents. See Thucyd. ii. 13; Plut. Vit. Aristid. c. 24.

§. 158. The party in Athens, with whom all these despotic acts originated, was that very numerical majority which gradually detached its interests from those of the community at large, and of the more respectable part of it in particular, as the increase of manufacturing and commercial prosperity gradually rendered it independent of them, and enabled its leaders to outvie the expensive works and largesses by which

wealthy nobles, like Cimon, had hitherto influenced the commonalty[1]. Shortly after the expedition of Xerxes an aristocratical party had grown up in Athens, being fostered by Lacedæmon under the specious pretext of national amity. At the head of this aristocracy was Cimon[2], and their principal endeavour seems to have been to maintain unanimity at home, by diverting the attention and engaging the energies of the Athenian people in the Persian war, whilst secretly maturing their measures for the overthrow of the Demos. But a third party interposed, in the persons of some more moderate democrats[3] who seem to have had it for their especial view to render Athens a continental power; a scheme which would necessarily have given a preponderance to the middle landed class, composing as it did the chief part of the army[4]: the skilful Myronidas and Tolmidas[5] may be considered as the leaders of this equally wise and patriotic plan. But the contemptuous slight shown by Lacedæmon to the Athenians at Ithome, blighted the hopes of Cimon[6]; the unfortunate battle of Coronea annihilated the flower of the Hoplites[7], the loss of all their conquests on the mainland compelled the Athenians to devote their attention exclusively to their navy—the ascendancy of the multitude began, and its sharp-sighted leaders soon discovered advantages, which circumstances afforded them the opportunity of gaining at the cost of the wealthier classes[8].

1) Plut. Vit. Pericl. c. 9: *ἐλαττούμενος δὲ πλούτῳ καὶ χρήμασιν, ἀφ' ὧν ἐκεῖνος* (Cimon) *ἀνελάμβανε τοὺς πένητας, δεῖπνόν τε καθ' ἡμέραν τῷ δεομένῳ παρέχων Ἀθηναίων καὶ τοὺς πρεσβυτέρους ἀμφιεννύων, τῶν τε χωρίων τοὺς φραγμοὺς ἀφαιρῶν, ὅπως ὀπωρίζωσιν οἱ βουλόμενοι· τούτοις ὁ Περικλῆς καταδημαγωγούμενος τρέπεται πρὸς τὴν τῶν δημοσίων κατανομήν, κ. τ. λ.* comp. also Vit. Cimon. c. 10.

2) Demosth. adv. Aristog. p. 688. 26: *Κίμωνα, ὅτι τὴν πάτριον μετεκίνησε πολίτειαν ἐφ' ἑαυτοῦ, παρὰ τρεῖς μὲν ἀφεῖσαν ψήφους τὸ μὴ θανάτῳ ζημιῶσαι, πεντήκοντα δὲ τάλαντα εἰσέπραξαν.* See Meier de bonis damn. p. 5, and more in Plut. Vit. Cimon. c. 15—18; comp. Vit. Pericl. c. 10, and Wachsm. i. 2. p. 57, sqq.; also the panegyric on Cimon, in Aristid. t. ii. p. 202—214. Dind.

3) Eurip. Suppl. v. 250: *τριῖς γὰρ πολιτῶν μερίδες· οἱ γὰρ ὄλβιοι Ἀνωφελεῖς τε πλειόνων τ' ἐρῶσ' ἀεί· Οἱ δ' οὐκ ἔχοντες καὶ σπανίζοντες βίου Δεινοί, νέμοντες τῷ φθόνῳ πλεῖον μέρος, Γλώσσαις πονηρῶν προστατῶν ψηλούμενοι· Τριῶν δὲ μοιρῶν ἡ 'ν μέσῳ σώζει πόλεις, Κόσμον φυλάσσουσ' ὄντιν' ἂν τάξῃ πόλις.* See also, Plat. Republ. viii. p. 564. D; Aristot. Pol. iv. 9. 3.

4) Comp. above, §. 67. n. 2.

5) Aristoph. Eccles. v. 320: *ἀλλ' οὐχ, Μυρωνίδης ὅτ' ἦρχεν ὁ γεννάδας, οὐδεὶς ἂν ἐτόλμα τὰ τῆς πόλεως ἰδιοκεῖν χρήματα λαβών.* On his victory at Megara see Thuc. i. 105; Lys. Funebr. c. 40), and on that at Œnophytæ, (§. 37. n. 7.) see Diodor. xi. 81, 82; on Tolmidas (*ὃς χιλίους ἐπιλέκτους ἔχων Ἀθηναίων διὰ μέσης Πελοποννήσου πολεμίας οὔσης ἀδεῶς διῆλθε*, Æschin. F. L. c. 21); Diodor. xi. 84; Pausan. i. 27. 6. Comp. at large, Wachsmuth, i. 2. p. 62, and above, §. 36. n. 10—15.

6) See §. 36. n. 12; Pausan. iv. 26. 2; and especially Plut. Vit. Cimon. c. 17.

7) See §. 37. n. 8, and Plut. Vit. Pericl. c. 18; comp. Aristot. Pol. v. 2. 8: *καὶ ἐν Ἀθήναις ἀτυχούντων πεζῇ οἱ γνώριμοι ἐλάττους ἐγένοντο διὰ τὸ ἐκ καταλόγου στρατεύεσθαι ὑπὸ τὸν Λακωνικὸν πόλεμον.*

8) Xenoph. de Rep. Ath. c. 1, and 2, and Pastoret, vii. p. 459, sqq.

§. 159. Pericles[1], the originator of this system, certainly never intended to augment the power of the multitude as such, but, having resolved to rule with that absolute authority to which his talents fully entitled him, he found no other means of attaining his object, than by securing the support of the majority by measures which favoured their material interests and flattered their pride[2]. The relations subsisting between the state and its allies, afforded him the readiest means for effecting this[3]. With the tribute money, he raised buildings which made Athens the wonder of Greece, and the erection of which furnished support to thousands[4]; the fees of the dicasts and the other disbursements of public money introduced by him, not only fed the Demos, but insured its independence and preponderance in public debate[5]. The islands, by sending all suits to be decided at Athens, at once acknowledged their dependence, and increased the resort to the capital and the number of the trials, which afforded both employment and

maintenance to the Athenian citizen[6]. So long as Pericles lived, the purity of his character[7] prevented those disadvantages to be perceived which were practically and morally connected with his system. The personal influence he exercised over the multitude, without ever condescending to flatter them[8], and his surpassing talent both as orator and as commander[9], preserved the state from precipitate and thoughtless measures; but the mightier the efforts required to avert for a time the ruin with which it was threatened both within and without[10], the more speedily did that ruin follow as soon as death had removed the Atlas by whom it was upheld[11], leaving a people spoilt by indulgence, and ready, as soon as its ordinary resources should fail, to employ against its wealthier members the measures which had hitherto been pursued towards its subjects[12].

1) Compare at large Barthél. Voy. d'Anach. Introd. p. ii. §. 3. t. i. p. 182, sqq.; Heeren's Res. Greece, p. 228, sqq.; Drumann's Gesch. des Verfalls, p. 234—240; Wachsm. i. 2. p. 64—69; Süvern, über Aristoph. Wolken, p. 59—61; Rötscher's Aristophanes, u. s. Zeit. p. 93—99; Kutzer de Pericle Thucydideo, parts i. and ii. (Vratislav. 1829—31.)

2) Boeckh's Publ. Œcon, i. p. 220.—" even Pericles himself had too acute a mind to overlook the consequences of his own measures; but he considered that there was no other means of maintaining his own and the people's sovereignty in Greece, than by supporting the populace in this matter; he was aware that with him the power of Athens would cease, and he endeavoured to preserve it as long as was possible; but upon the whole, his contempt for the people was as great as his liberality towards them."

3) See Boeckh, especially on the passage, vol. ii. p. 136.—" no statesman ever administered the public revenue more successfully than Pericles, or conferred greater benefits upon commerce and industry, which were especially promoted by the extended relations and increased naval force of Athens; but while he distributed this money among the people, he built the wealth of Athens upon maritime trade, and her ascendancy upon naval power, omitting all concern for the welfare of the landholders, whose property he gave up to devastation; and at the same time he laid the foundations of the unlimited democracy, which, it is evident from the diminution which he effected in the power of the Areopagus, (see above, §. 109. n. 5, 6.) was unquestionably a part of his policy."

4) The Propylæa, the Parthenon, the Odeum, and others; see Plut. Vit. Pericl. c. 12, 13, and more in Böttiger's Andeutungen, p. 70—80; Leake's Topogr. p. 236, sqq.

5) Plat. Gorg. p. 515. E: *ταυτὶ γὰρ ἔγωγε ἀκούω, Περικλέα πεποιηκέναι Ἀθηναίους ἀργοὺς καὶ δειλοὺς καὶ λάλους καὶ φιλαργύρους, εἰς μισθοφορίαν πρῶτον καταστήσαντα:* comp. Plut. Vit. Pericl. cc. 9, 11, and above, §. 125. n. 1. On the dicasts' pay, see §. 134. n. 19, on that of the soldiery, §. 152. n. 16. On the Theoricon, see below, §. 171, and Boeckh, i. p. 292, sqq.

6) See §. 157. n. 6, and particularly, Xenoph. de Rep. Ath. i. 16, 17.

7) See Thucyd. ii. 65; Isoc. de Pace, c. 33; Plut. Vit. Pericl. c. 15, and the defence of his character in Aristid. t. ii. p. 159—202, Dind.; but comp. Boeckh, i. p. 261.

8) Thucyd. ibid.: *κατεῖχε τὸ πλῆθος ἐλευθέρως καὶ οὐκ ἤγετο μᾶλλον ὑπ' αὐτοῦ ἢ αὐτὸς ἦγε διὰ τὸ μὴ κτώμενος ἐξ οὐ προσηκόντων τὴν δύναμιν πρὸς ἡδονήν τι λέγειν, ἀλλ' ἔχων ἐπ' ἀξιώσει καὶ πρὸς ὀργήν τι ἀντειπεῖν.* Comp. Plut. Vit. Pericl. cc. 5. and 15, and on his power as an orator, the commentt. on Aristoph. Acharn. 536, with Davis. ad Max. Tyr. ix. 8. p. 165, Reiske.

9) For his various campaigns, see Plut. c. 19, sqq.; and on the union of these two talents, see Isocrat. Panath. p. 624; Aristot. Pol. v. 4. 4.

10) According to Thucyd. ii. 13. the siege and works at Potidæa had cost 3700 talents when the Peloponnesian war began; on the expense of the works carried on by Pericles, see more in Meier's appendix to Rienäcker's translation of Leake's Topogr., p. 426—438. The expenses of the siege of Lauros, at which machines were first employed, (Plut. c. 27), amounted to 1200 talents, according to Isocr. *π. ἀντιδ.* p. 69, Orell., and Corn. Nep. Vit. Timoth. c. i.—Diod. Sic. xii. 28, states that the contribution levied, (see Thucyd. i. 117), amounted to 200 talents, but this would have been by far too small an indemnification. Comp. Boeckh's Publ. Œcon. i. p. 386, and Manso's Sparta, ii. p. 398—404.

11) Wachsmuth, i. 2. p. 67, says, "History unfortunately shows that the institutions of Pericles were not respected after his death; and it is undeniable that he, like many other mighty rulers, governed by his personal influence . . . . . to this we must add, that the artificial structure he had raised was founded on power and violence abroad, and such structures fall speedily." Andocides has very truly remarked, adv. Alcib. c. 12: *ἐγὼ δὲ νομίζω τὸν τοιοῦτον πονηρὸν εἶναι προστάτην, ὅστις τοῦ παρόντος χρόνου ἐπιμελεῖται, ἀλλὰ μὴ καὶ τοῦ μέλλοντος προνοεῖται, καὶ τὰ ἥδιστα τῷ πλήθει, παραλιπὼν τὰ βέλτιστα, συμβουλεύει.*

12) Comp. Plut. Pericl., 12, and the expression Thucydides puts into his mouth, ii. 64: *ὅστις ἐπὶ μεγίστοις τὸ ἐπιφθονον λαμβάνει, ὀρθῶς βουλεύεται· μῖσος γὰρ οὐκ ἐπιπολὺ ἀντέχει, ἡ δὲ παραυτίκα τε λαμπρότης καὶ ἐς τὸ ἔπειτα δόξα ἀείμνηστος καταλείπεται.* See Kortüm, p. 65, sqq., "on the principles by which the foreign policy of Athens was regulated," and the Melian conference, Thucyd. v., especially, c. 89. *ὅτι δίκαια μὲν ἐν τῷ ἀνθρωπίνῳ λόγῳ ἀπὸ τῆς ἴσης ἀνάγκης κρίνεται, δυνατὰ δὲ οἱ προύχοντες πράσσουσι καὶ οἱ ἀσθενεῖς συγχωροῦσι.* Compare also above, §. 52. n. 6; §. 68. n. 5.

§. 160. The pressure of the poorer but sovereign classes on the more wealthy, which very soon after the death of Pericles resulted in an unbridled democracy,

had already shown itself, in a general way, by the indifference with which the Demos allowed all the public burdens to be laid on the richer orders, and more particularly in the abuse of its judicial power, for affecting their humiliation and impoverishment[1]. As regards the first point, the regulations by which the wealthy classes of the citizens were bound not only to supply the extraordinary exigencies of the state, but to perform certain onerous offices, called liturgies[2], were, it is true, anterior to the commencement of the pure democracy[3]: but what had at first been the natural attendant on the possession of superior political privileges, became mere extortion and oppression from the moment that the people had transferred those privileges to itself. An extortion and oppression the greater from the fact that, with the power of the commonalty, grew also their avarice and the wants of the state, so that, eventually, even the wealthiest individuals were sometimes unable to discharge the demands made on them by the state[4]. But as these demands were legal and regular, the individual could not complain against them; whilst the lovers of pomp, or the ambitious, found in them opportunities for displaying their wealth, or winning the popular favour[5]. It even frequently happened that individuals of large property would volunteer to defray the expenses of a chorus or trireme[6], and, in times of need, the extraordinary demands of the state were ever met with alacrity[7].

1) Theophr. Char. xxix. 3: . . λέγων· *διὰ τοὺς συκοφάντας οὐκ οἰκητέον ἐστὶν ἐν τῇ πόλει· καὶ ὡς ἐν τοῖς δικαστηρίοις δεινὰ πάσχομεν ὑπὸ τῶν δικαζόντων . . . καὶ εἰπεῖν· πότε παυσόμεθα ὑπὸ λειτουργιῶν καὶ τριηραρχιῶν ἀπολλύμενοι*; conf. Xenoph. Sympos. iv. 30, and above, §. 68. n. 6; §. 69. n. 8—13.

2) From *λέως*, *λεῖτον* (*λῄϊτον καλοῦσι τὸ πρυτανεῖον οἱ Ἀχαῖοι*, Herod. vii. 197), see Valcken. ad Ammon. ii. 16. p. 144, and Sigonius Rep. Ath. iv. 4; Petiti Legg. iii. 4. p. 349, sqq.; F. A. Wolf, Prolegg. ad Demosth. Leptin. p. lxxxvi—cxxv; Boeckh's Publ. Œcon. ii. p. 200, sqq.; Wachsm. ii. 1. p. 130—138.

3) Aristot. Œconom. ii. 5, says of Hippias : *ὅσοι τε τριηραρχεῖν ἢ φυλαρχεῖν ἢ χορηγεῖν ἢ τινα εἰς ἑτέραν τοιαύτην λειτουργίαν ἤμελλον ἀπανῶν, κ. τ. λ.*; that the chorus of men, according to the Par. Chron. was not instituted till Ol. lxviii. 1, as Göttling has remarked on this passage, p. 102, is, after all, nothing to the point. The valuation made by Solon, and the law of *ἀντίδοσις* (Demosth. adv. Phænipp. init.), as well as the statement in Pollux concerning the raising of taxes by the Naucrari do not belong to this point.

4) Antiphanes ap. Athen. iii. 62 : *ἢ γὰρ εἰσφορά τις ἦρπακε Τἀνδοθεν πάντ', ἢ δίκη τις περιπεσὼν ἀπώλετο, Ἡ στρατηγήσας προσῶφλεν ἢ χορηγὸς αἱρεθεὶς Ἱμάτια χρυσᾶ παρασχὼν τῷ χόρῳ ῥάκος φορεῖ, κ. τ. λ.* Comp. Aristot. Pol. v. 7. 11 : *δεῖ δ' ἐν ταῖς δημοκρατίαις τῶν εὐπόρων φείδεσθαι καὶ μὴ μόνον τὰς κτήσεις μὴ ποιεῖν ἀναδάστους, ἀλλὰ μηδὲ τοὺς καρπούς, ὃ ἐν ἐνίαις τῶν πολιτειῶν λανθάνει γινόμενον*: Demosth. Olynth. ii. p. 27. 4 ; de Syntax. p. 174. 12 ; adv. Everg. et Mnesib. p. 1155. 22; Isæus de Philoctem. c. 38. See Boeckh's Publ. Œcon. ii. p. 227, sqq.

5) Aristot. ibidem : *Βέλτιον δὲ καὶ βουλομένους κωλύειν τὰς δαπανηρὰς μὲν, μὴ χρησίμους δὲ λειτουργίας, οἷον χορηγίας καὶ λαμπαδαρχίας καὶ ὅσαι ἄλλαι τοιαῦται.* See, for instance, the lavish outlays made by Nicias (Plut. Vit. Nic. c. 3), by Alcibiades (Isocr. de Bigis, p. 842), and compare the speech entitled *ἀπολογία Δωροδοκίας*, ascribed to Lysias. —To do no more than one was bound to do (*ἀφυσιοῦσθαι*, Isæus de Apollod. c. 38), was considered disgraceful.

6) Demosth. Mid. c. 6 : *παρελθὼν ὑπεσχόμην ἐγὼ χορηγήσειν ἐθελοντής*: ibid. cc. 44, 45 : *ἐπιδοῦναι τριήρη*, comp. Boeckh's Publ. Œcon. ii. p. 202.

7) *Ἐπιδόσεις ἐν τῇ ἐκκλησίᾳ*, comp. Athen. iv. 67, and see more in Herald. Obss. ad J. A. et R. p. 408 ; Wolf, l. l. p. cxx.; Boeckh's Publ. Œcon. ii. p. 352 and 376 ; Schömann de Com. p. 292. Any one who failed to fulfil the promise he had volunteered, was cited *πρὸ τῶν Ἐπωνύμων*, see Isæus de Dicæog. c. 37.

§. 161. The regular, or, as they were called, encyclic liturgies[1], which all had the maintenance of public worship in view, namely the Choregia[2], Gymnasiarchia or Lampedarchia[3], Architheoria[4], and Hestiasis or feasting of the Phyletæ[5], were compulsory on all who possessed property to the amount of not less than three talents[6], and were discharged by the several tribes in regular rotation[7], except when voluntarily undertaken by individuals. The case was different with the Trierarchy[8]. When the increase of the naval power of Athens had rendered the old system, by which each of the forty-eight Naucrariæ (subsequently increased to fifty) furnished a vessel, ineffi-

cient[9], the Strategi annually named, from among the wealthiest members of the state, as many as were required to act as Trierarchs[10], each of whom was compelled to equip a trireme, and keep it in constant repair; the state furnishing the mere hull of the vessel and the pay for its crew[11]. It was subsequently made lawful for two[12] individuals to combine to defray the expense of a single trireme, as was allowed in the case of Choregia[13]. From this indulgence there resulted, on the one hand, a less immediate interest in the personal command of the vessel, which was originally indispensable, and on the other, the custom of contracting with the lowest bidder for its equipment[14]; and these pernicious consequences were still further favoured[15] by the institution of the Symmoriæ, which took place about Ol. cv. 3. From that time the 1200 wealthiest citizens were bound to the constant discharge of the Trierarchy; for this end they were divided into twenty Symmoriæ, these were subdivided into Synteliæ, (comprising, at the most, sixteen members,) each of which was bound to equip a vessel; though certainly at a less expense than originally, since the state from that time furnished the rigging[16]. The richest men of the Symmoriæ made the actual outlay in the first instance[17], and afterwards assigned the quota payable by each individual; and hence, by making a cheap bargain in the first instance, they were frequently able entirely to cover their own quota[18], which, though nominally the same with that of the rest, was, in fact, less in proportion to their means. Demosthenes[19] first made a correct arrangement, Ol. cx., by requiring one trireme to be maintained for every ten talents of capital; so that individuals possessing less formed Synteliæ, clubbing to raise that amount: those who were worth more furnished more, but no one could be required to equip more than three triremes and one

transport. The enforcement of these regulations and inspection of the vessels, rested with particular officers, called *ἀποστολεῖς*, who were vested with full powers[2].

1) Demosth. Lept. c. 18: *πόσοι δηπότ' εἰσὶν οἱ κατ' ἐνιαυτὸν τὰς ἐγκυκλίους λειτουργίας λειτουργοῦντες ἡμῖν, χορηγοὶ καὶ γυμνασίαρχοι καὶ ἑστιάτορες; Ἑξήκοντα ἴσως ἢ μικρῷ πλείους σύμπαντες οὗτοι.* Comp. c. 104: *ταῦθ' ἱερῶν ἐστὶν ἅπαντα τὰ ἀναλώματα.*

2) *Χορηγεῖν εἰς Διονύσια καὶ Θαργήλια καὶ Παναθήναια καὶ Προμήθεια καὶ Ἡφαίστεια* (on the two last see the following notes; they, however, occur in connection with the others in the C. Inscr. n. 213); Xenoph. Rep. Ath. iii. 4; comp. Demosth. Mid. c. 4: *ὅταν ἡ πομπὴ ᾖ τῷ Διονύσῳ ἐν Πειραιεῖ καὶ οἱ κωμῳδοὶ καὶ οἱ τραγῳδοὶ· καὶ ἡ ἐπὶ Ληναίῳ . . . . καὶ τοῖς ἐν ἄστει Διονυσίοις ἡ πομπὴ καὶ οἱ παῖδες καὶ ὁ κῶμος καὶ οἱ κωμῳδοὶ καὶ οἱ τραγῳδοί· καὶ τῶν Θαργηλίων τῇ πομπῇ καὶ τῷ ἀγῶνι,* and Lysias de Muner. acc. c. 1—5, as also on the Choregia at the Panathenæa (cyclic choruses were given, Spanheim ad Callim. h. in Dian. v. 267; Sturz ad Hellan. Fragm. p. 90; Pyrrhic dancers, etc., comp. Fabri Agonisticon), and the Arrhephoria (Meurs. Lectt. Att. ii. 12; iv. 19; Müller de Sacris Min. Pol. p. 14).—For details see in particular, Antipho de Choreuta, c. 11: *ἐπειδὴ χορηγὸς κατεστάθην εἰς Θαργήλια καὶ ἔλαχον Παντακλέα διδάσκαλον . . . πρῶτον μὲν διδασκαλεῖον ᾗ ἦν ἐπιτηδειότατον τῆς ἐμῆς οἰκίας κατεσκεύασα . . . ἔπειτα τὸν χορὸν ὡς ἄριστα ἐδυνάμην συνέλεξα, οὔτε ζημιώσας οὐδένα, οὔτε ἐνέχυρα βίᾳ φέρων, οὔτ' ἀπειθοῦντος οὐδενί,* and more in Meurs. Orchestra (Gron. Thes. t. viii.); Petiti Legg. p. 351, sqq.; Van Dale, Diss. viii. 5. p. 671—691; C. A. Böttiger, "quid sit docere fabulam," (Vimar. 1795.); Wolf, l. c. p. lxxxix. sqq., and Boeckh's Publ. Œcon. ii. p. 208, who is wrong only in stating that it was the Archon, and not the Choregus, from whom a poet was obliged to apply for leave to bring out a piece (*χορὸν αἰτεῖν, λαβεῖν*), comp. Küster ad Aristoph. Equ. 510; Ducker. ad Ran. 94.—On the several Dionysian festivals (the greater held *ἐν ἄστει*, the lesser *ἐν ἀγροις*, the Lenæan, and the Anthesterian), see the statements, although inexact, made by Scaliger (Emend. Tempp. i. p. 29), Palmer (Exercitt. in autt. gr. p. 617—619), Petit (LL. AA. p. 112—117), Spanheim (Arg. ad Aristoph. Ran. t. iii. p. 12, sqq. ed Bekk.), Oderici, Diss. de Didasc. marmor., (Romæ, 1777, and in Marini's Iscriz. Albane, Roma, 1785), p. 161—170); also Kangiesser (die alte komische Bühne zu Athen (Breslau, 1817), p. 245—336), and G. Hermann (Leipz. L. Z. 1817, Nos. 59 and 60; and in Beck's Aristoph. t. v. p. 11—28). All these writers, following the Scholiast on Aristoph. Acharn. 291 and 503, make the Lenæan to have been identical with those held *ἐν ἄγροις*. Selden, again, (ad Marm. Oxon. p. 35—39, ed Prid.), Corsini (Fast. Att. ii. p. 325—329), Ruhnkenius (Auctar. ad Hesych. t. i. p. 999; and in his Opusce. p. 206—215), Wyttenbach (Bibl. crit. ii. 3. p. 41, sqq.), Barthélémy (Mém. de l'Acad. des Inscr. xxxix. p. 172, sqq), and Spalding (Abh. d. Berl. Acad. von 1804—11. p. 70—82), consider the Lenæan the same with the Anthesterian. The latest writers on the subject, namely, Boeckh (in the Abh. d. Berl. Acad. v. 1816, p. 47—124), and Buttmann (ad Demosth. Mid. p. 119), state that the four were all distinct, those *ἐν ἄγροις*, being held in the month Posideon, the Lenæan in Gamelion, the Anthesterian in Anthesterion, and the greater in Elaphebolion (Æsch. adv. Ctesiph. c. 19).—On the Thargelia see Castellan, and Meurs. Græc. fer., s. v.; on the Panathenæa, see Meurs. in Gron. Thes. t. vii. Meursius has been attacked by Petit, p. 87—92, and Corsini, ii. p. 357, for maintaining that the lesser Panathenæa were not

held in Hecatombæon, as well as the greater, but in Thargelion (Procl. ad Platon. Tim. p. 9), but his assertion has been well defended by Clinton, in the F. H. ii. p. 332—335, who has also very properly restricted, p. lviii., the statement in Æschines (adv. Timarch. c. 5), that no one could be a Choregus who was under forty years of age, to the case of a Choregus of boys: comp. Isæus de Philoctem. c. 60.

3) Isæus de Apollod. c. 36: γεγυμνασιάρχηκα εἰς Προμήθεια, i. e. λαμπάδι, as de Philoctem. c. 60; Xenoph. de Vectig. iv. 52. Compare, on the subject of the torch-race, at large (λαμπάδες, λαμπαδοδρομίαι), in honour of the θεοὶ πυρφόροι (comp. J. F. Meyer de Diis ac Deabus Græcorum et Romanorum, ἁδδούχοις, Francof. 1790), Minerva, Vulcan, (Herod. viii. 98), and Prometheus (Soph. Œd. Col. 53, with the commentt., and Paus. i. 30. 2, also Meinek. ad Menandr. p. 193), Pan (Herod. vi. 105), and Bendis (Plat. Republ. i. 1), the Schol. and commentt. on Aristoph. Ran. 1115; Boeckh's Publ. Œcon. ii. p. 219; Müller de Sacr. Min. Pol. p. 5; Welcker, die äschyl. Trilogie Prometheus, p. 120; Schubert de Ædil. p. 36—38.—The word λαμπαδαρχία (Aristot. Pol. v. 7. 11), seems unattic. The Gymnasiarchia has been considered to have consisted in the inspection and regulation of the several Palæstræ (Æsch. adv. Timarch. cc. 5 and 6; comp. Petiti Legg. iii. 7; Periz. ad Æl. Var. Hist. ii. 6), but it is more probable that this, which in course of time became of great importance, was the business of a board of magistrates, selected specially for the purpose (see Van Dale, l. l. viii. p. 584—601; C. Inscr. p. 363, sqq.), and the distribution of oil mentioned by Ulpian, (ad Demosth. Leptin. c. 24), was, very likely, a voluntary largess; comp. C. Inscr. n. 108, and also Isæus de Menecl. c. 42: ἐγυμνασιάρχουν ἐν τῷ δήμῳ (?)

4) See Demosth. adv. Mid. c. 32: ἀρχιθεωροῦντα ἀγαγεῖν τῷ Διὶ τῷ Νεμείῳ τὴν κοινὴν ὑπὲρ τῆς πόλεως θεωρίαν, and more in Boeckh's Publ. Œcon. i. p. 286. The Architheoros was, however, furnished with certain requisites for the spectacle, πομπεῖα, by the state itself, Andoc. c. Alcib. c. 29.

5) Φυλετικὰ δεῖπνα, see Buttmann ad Dem. Mid. c. 43. At the Thesmophoria for the women also, comp. Wellauer de Thesmophoriis (Vratisl. 1820), p. 28; this appears particularly from Isæus de Pyrrh. c. 80: κεκτημένος τὸν τριτάλαντον οἶκον, εἰ ἦν γεγαμηκώς, ἠναγκάζετο ἂν ὑπὲρ τῆς γαμετῆς γυναικὸς καὶ θεσμοφόρια ἑστιᾶν τὰς γυναῖκας καὶ τἆλλα ὅσα προσῆκε λειτουργεῖν ἐν τῷ δήμῳ.

6) Demosth. adv. Aphob. p. 833. 25; Isæus, l. l..

7) See Tittmann, p. 295—297; hence the tribes were said φέρειν χορηγὸν, κ.τ.λ., also προβάλλεσθαι λειτουργεῖν (Andoc. de Myster. c. 132); but the actual appointment (καθιστάναι) rested with the ἄρχων, the βασιλεύς, and the ἀθλοθέται, comp. Demosth. adv. Bœot. p. 997. 5; the first at the greater Dionysia, (see Demosth. Mid. c. 6), the second at the Lenæa, and for the Gymnasiarchia (Pollux, viii. 90, coll. Demosth. adv. Lacrit. p. 940. 13), the last at the Panathenæa, see above, §. 150. n. 3.

8) Compare, at large, Petiti Legg. p. 356, sqq.; Wolf, l. l. p. c—cxviii.; Boeckh, ii. p. 203, sqq.; Ern. Kappii de re navali Athen. (Hanm. 1830),

9) See §. 99. n. 5; as late as in the Schol. on Aristoph. Pac. 1200, we find ναύκληρος in the sense of τριήραρχος.—The feebleness of the Greeks at sea, even a very short time before Themistocles (§. 146. n. 1,) is attested by Thucyd. i. 41.

10) See §. 153. n. 3; hence the expression, *τριήραρχον καταλεγῆναι*, Isæus de Apollod. c. 5.

11) See Demosth. Mid. c. 42: *ὅτε σύνδυο ἦμεν οἱ τριήραρχοι καὶ τὰ ἀναλώματα πάντα ἐκ τῶν ἰδίων ἐδαπανῶμεν καὶ τὰς ναῦς ἐπληρούμεθ' αὐτοί*, and more in Boeckh, ii. p. 328, sqq., and on the number of the Athenian navy, ibid. i. p. 341, sq., 354, sq. It was the business of the senate (see §. 156. n. 17), to provide for the construction of the vessels; we also read of *τριηροποιοί*, comp. Æschin. adv. Ctesiph. c. 8.

12) *Συντριηραρχεῖν*, see Lysias c. Diogit. c. 24—26; Demosth. adv. Polycl. p. 1218, sq. Are these meant by Xenophon, when he speaks of 400 annual trierarchs, de Rep. Ath. iii. 4?

13) Ol. xciii. 3; comp. Schol. Aristoph. Ran. 406.

14) Demosth. Mid. c. 23; conf. de Corona trierarch. p. 1230—1232.

15) By the law of Periander, Demosth. adv. Everg. et Mnesib. p. 1145(?) See, in particular, pro Cor. p. 261. 24: *τοὺς τριηράρχους καλεῖσθαι ἐπὶ τὴν τριήρη συνεκκαίδεκα ἐκ τῶν ἐν τοῖς λόχοις συντελειῶν ἀπὸ εἴκοσι καὶ πέντε ἐτῶν εἰς τεσσαράκοντα, ἐπὶ ἴσον τῇ χορηγίᾳ χρωμένους*, comp. Ulpian. ad Midian. p. 188. B: *Χίλιοι γὰρ καὶ διακόσιοι ἦσαν οἱ ταῖς τριηραρχίαις ἀφωρισμένοι· τούτων δὲ λοιπὸν ἡ συνεκκαίδεκα τὴν τριήρη ἐπλήρουν ἢ σύντριες ἢ ὁσοιδήποτε*, and Boeckh, ii. p. 344, sqq.; as also the speech of Demosthenes de Symmoriis, with the remarks of H. Amersfoordt, published in his Diss. de Symmoriarum apud Athenienses instituto, (Lugd. Bat. 1821), and again in Schæfer's App. ad Demosth. t. i. p. 718, sqq.

16) Demosth. Mid. c. 42: *τὰ πληρώματα ἡ πόλις παρέχει καὶ σκεύη δίδωσι*. Hence the boast in the speech adv. Everg. et Mnesib. p. 1146: *οὐδεπώποτε ἔλαβον σκεύη ἐκ τοῦ νεωρίου, ἀλλ' αὐτὸς ἰδίᾳ παρεσκεύασμαι, ὅποτε δέοι, ἵνα ὡς ἐλάχιστα πράγματα ἔχοιμι πρὸς τὴν πόλιν*: comp. Boeckh's Publ. Œcon. ii. p. 336; and above §. 154. n. 3, coll. Bekk. Anecdd. p. 236. 10.

17) These were the *τριακόσιοι*, mentioned in Demosth. adv. Phænipp. p. 1039. 16; comp. pro Cor. p. 285. 17; and *ἡγεμόνες τῶν συμμοριῶν*, ibid. p. 260. 21; were they the same with the *ἐπιμεληταὶ τῶν συμμ.* adv. Everg. p. 1146. 10?

18) Demosth. Mid. c. 42: *ὅτε πρῶτον μὲν διακοσίους καὶ χιλίους ποιήκατε συντελεῖς ὑμεῖς, παρ' ὧν εἰσπραττόμενοι τάλαντον τάλαντου μισθοῦσι τὰς τριηραρχίας οὗτοι . . . ὥστ' αὐτῶν ἐνίοις τῇ ἀληθείᾳ τὸ μηδὲν ἀναλῶσαι καὶ δοκεῖν λελειτουργηκέναι . . . περίεστιν*; compare pro Corona, p. 260, sqq.; Boeckh's Publ. Œcon. ii. p. 348.

19) Demosth. pro Cor. p. 262: *τοὺς τριηράρχους αἱρεῖσθαι ἐπὶ τὴν τριήρη ἀπὸ τῆς οὐσίας κατὰ τίμησιν ἀπὸ ταλάντων δέκα· ἐὰν δὲ πλειόνων ἡ οὐσία ἀποτετιμημένη ᾖ χρημάτων, κατὰ τὸν ἀναλογισμὸν ἕως τριῶν πλοίων καὶ ὑπηρετικοῦ* (Æschin. F. L. c. 20) *ἡ λειτουργία ἔστω· κατὰ τὴν αὐτὴν δὲ ἀναλογίαν ἔστω καὶ οἷς ἐλάττων οὐσία ἐστὶ τῶν δέκα ταλάντων, εἰς συντέλειαν συναγομένοις εἰς δέκα τάλαντα*: on which see Petiti Legg. p. 361, and Boeckh's Publ. Œcon. ii. p. 345—364, who gives for the date, Ol. cx. 1. The passages in Æschin. adv. Ctesiph. c. 75, and Dinarch. adv. Demosth. c. 42, to the prejudice of the great orator, scarcely deserve notice.

20) Demosth. adv. Everg. p. 1147: *προσεκαλεσάμην πρὸς τοὺς ἀποστολεῖς καὶ πρὸς τοὺς τῶν νεωρίων ἐπιμελητάς· οὗτοι γὰρ εἰσῆγον* (see §. 138. n. 3) *τοτε τὰς διαδικασίας εἰς τὸ δικαστήριον τὰς περὶ τῶν σκευῶν*:

comp. pro Cor. p. 262. 15: *πάντα γὰρ τὸν πόλεμον τῶν ἀποστόλων γενομένων κατὰ τὸν νόμον τὸν ἐμὸν, οὐχ ἱκετηρίαν ἔθηκε τριήραρχος οὐδεὶς πώποθ' ὡς ἀδικούμενος παρ' ὑμῖν, οὐδ' ἐν Μουνυχίᾳ ἐκαθέζετο, οὐδ' ὑπὸ τῶν ἀποστολέων ἐδέθη.* See more in Meier's att. Proc. p. 112, who, it is to be remarked, considers the jurisdiction of these officers to have been only extraordinary. See also Platner's Proc. u. Kl. ii. p. 97, sqq.

§. 162. Excepting cases of indulgence[1], which could be granted only in the encyclic liturgies[2], none but the archons of the time being[3] were exempt from these services, though no one could be called on to discharge two liturgies in the same[4] or in consecutive[5] years. Heiresses and minors[6], or persons in the first year of their majority[7], were exempt, inasmuch as no personal service was expected of them; the *εἰσφορὰ*, property tax[8], was indeed required of such persons, but this was so inseparably connected with the possession of property[9] that even delay in its payment entailed confiscation, though not the *ἀτιμία* which befel state debtors in general. To speak more particularly of this tax, it was in fact extraordinary, and expressly intended to meet the exigencies of war; the first indisputable instance of its having been levied[10], occurs Ol. lxxxviii. 1. (B. C. 428), though it might have been exacted before that time, being evidently founded on the property classes of Solon[11], which continued to be the basis for it until the new valuation, made under the archonship of Nausinicus, Ol. c. 3,(B. C. 377), when Symmoriæ were formed like those established for the discharge of the Trierarchy[12]. The richest members of the Symmoriæ were, in like manner, bound to advance[13] what was required of the less wealthy, from whom they afterwards recovered it in the usual way. The valuation of property, so far at least as it consisted in land[14], was made by the Demarchs[15]; the Strategi distributed the persons assessed into their several Symmoriæ or classes[16], and officers, called *ἐπιγραφεῖς*, or *διαγραφεῖς*[17], collected the quota of each. If any one

considered that he was unjustly required to discharge any of these public burdens, being able to point out a person who had been passed over though better able to discharge the liturgy than himself, he might challenge such party to an exchange of property[18], which if the latter declined, he was bound to discharge the disputed liturgy. This regulation appears to have existed from the time of Solon. Property in cleruchiæ, or in mines, was not however included in these exchanges, not being subject to the property tax[19]. It has already been stated[20] that the metics were liable to the liturgies.

1) Ἀτέλεια, see Petiti Legg. iii. 5. p. 371; Wolf, l. l. p. lxxi.; Westermann de publ. Athen. honor. p. 7.

2) Demosth. Leptin. c. 15: τῶν γὰρ εἰς τὸν πόλεμον καὶ τὴν σωτηρίαν τῆς πόλεως πασῶν εἰσφορῶν καὶ τριηραρχιῶν οὐδεὶς ἐστ' ἀτελὴς ἐκ τῶν παλαιῶν νόμων.

3) Ibid. c. 24.

4) Ibid. c. 16: οἱ μὲν τοίνυν πλουσιώτατοι τριηραρχοῦντες ἀεὶ τῶν χορηγιῶν ἀτελεῖς ὑπάρχουσι. Compare adv. Mid. p. 565. 5; adv. Polycl. p. 1209. 2.

5) Ibid. c. 7: ἐνιαυτὸν διαλιπὼν ἕκαστος λειτουργεῖ. On the other hand, Isæus de Apollod. c. 38: τριηραρχῶν τὸν πάντα χρόνον διετέλεσεν . . . οὐ δύο ἔτη (?) διαλιπὼν ἀλλὰ συνεχῶς. Compensation for an extension of the trierarchy beyond the legal period (ἐπιτριηραρχεῖν) might be obtained by a suit against the person whose turn it next was (διάδοχον, ὃς ἂν ἔλθῃ ἐκ τῆς συμμορίας ἐπὶ τὴν ναῦν, Dem. adv. Everg. et Mnesib. p. 1147. 27); comp. Demosth. adv. Polycles and Platner's Proc. u. Kl. ii. p. 100.

6) Demosth. de Symmor. p. 182. 16: τῶν ἐπικλήρων (§. 121. n. 4) καὶ τῶν ὀρφανικῶν καὶ τῶν κληρουχικῶν (§. 117. n. 4) καὶ τῶν κοινωνικῶν (see Harpocrat. p. 175. coll. Lys. adv. Diogit. c. 4) καὶ εἴ τις ἀδύνατος, ἀφαιρεθέντων: comp. Boeckh, ii. p. 206.

7) Lysias adv. Diogit. c. 24.

8) See Herald. Obss. ad J. A. et R. vi. p. 408, sqq.; Boeckh's Publ. Œcon. ii. p. 227, sqq., and a shorter account in Wachsm. ii. 1. p. 136.

9) Boeckh, ii. p. 2; Demosth. adv. Androt. p. 609. 25: εἴ τις ἔροιτο αὐτὸν τὰς εἰσφορὰς πότερον τὰ σώματα ἢ τὰ χρήματα ὀφείλει, τὰ χρήματα φήσειεν ἄν.

10) Boeckh's Publ. Œcon. ii. p. 228, following Thucyd. iii. 13: τότε πρῶτον εἰσφοραὶ διακόσια τάλαντα ἐξέπεμψαν: but Antipho, Tetral. i. b. c. 12, mentions πολλαὶ καὶ μεγάλαι εἰσφοραί: compare also Isæus de Dicæog. c. 37, and Tittmann, p. 41.

11) See §. 108. n. 5—8. Ἱππάδα τελῶν occurs in Is. de Apollod. c. 39.

12) Philochorus (ap. Harpocrat. p. 277), p. 72, Siebel.; comp. Demosth. adv. Androt. p. 606. 28, and for the particulars of their institution, see Wolf, l. l. p. xcv.; Ulpian. ad Dem. Olynth. ii. p. 33. E.: δέκα οὐσῶν φυλῶν καὶ ἑκάστης προβαλλομένης ἀπὸ ἑκατὸν εἴκοσι, συνέβη τοὺς πάντας εἶναι λειτουργοὺς χιλίους διακοσίους· ἐμέριζον οὖν αὐτοὺς ἀπὸ ἑξακοσίων ἀνδρῶν, ὅ ἐστιν ἀπὸ δέκα συμμοριῶν· πάλιν δὲ ἑκατέραν τῶν δύο μερίδων τούτων ἔτεμνον εἰς δύο, ὅ ἐστιν εἰς τριακοσίους μὲν ἄνδρας, κατὰ πέντε δὲ συμμορίας· οὗτοι δὲ ἦσαν οἱ τριακόσιοι οἱ πάνυ πλούσιοι οἱ πρῶτοι, οἵτινες προεισέφερον τῶν ἄλλων καὶ εἶχον αὐτοὺς ὑπακούοντες εἰς πάντα, ὥστε συμβαίνειν εἰς δύο μερίδας εἶναι τοὺς πάντας, κ. τ. λ. What was the relation between the Symmoriæ of the Trierarchy and those of the property taxes? Isocr., π. ἀντιδ. p. 80, mentions together τοὺς διακοσίους καὶ χιλίους τοὺς εἰσφέροντας and the λειτουργοῦντας, but Demosth. Lept. c. 24 (a speech made Ol. cvi. 2) distinguishes between them, οἱ μὲν ἔλαττον κεκτημένοι τοῦ τριηραρχίας ἄξια ἔχειν ἐν ταῖς εἰσφοραῖς συντελοῦσιν εἰς τὸν πόλεμον· οἱ δ' ἐφικνούμενοι τοῦ τριηραρχεῖν εἰς ἀμφότερα ὑμῖν ὑπάρξουσι χρήσιμοι. Compare also his oration, de Symmor. p. 183, 10, with Boeckh's Publ. Œcon. ii. p. 295, sqq., more particularly on the distinction between the real value and the valuation, τίμημα, of property in Attica; according to Demosth. adv. Aphob. i. p. 815. 10, the valuation amounted, for the highest class, to 500 drachmas for every twenty-five minæ, i. e. one-fifth of the real value, and so on in a proportionate descending scale. The τίμημα of the whole landed property was 6000 talents, according to Demosth. de Symmor. p. 183. 5; according to Polybius, more exactly, 5750.

13) Προεισφορά, compare Demosth. adv. Mid. p. 564. 10; adv. Pantæn. p. 977. 20; adv. Polycl. p. 1208. Hence these persons also were called ἡγεμόνες τῶν συμμοριῶν, as well as those mentioned in §. 161. n. 17; compare adv. Aphob. ii. p. 836. 27; Mid. p. 565. 10; Isæus, de Philoctem. c. 60, speaks of 300 πλούσιοι.

14) Φανερὰ οὐσία, i. q. ἔγγειος, Bekk. Anecdd. p. 468. 23; ἀφανὴς, i. q. ἡ ἐν χρήμασι καὶ σώμασι καὶ σκεύεσι, and hence ἀφανίζειν τὴν οὐσίαν, to turn it into money; compare Aristoph. Eccles. v. 633; Isæus de Hagn. c. 47, particularly Lysias pro Polystr. c. 23: ἐξὸν αὐτῷ τὴν οὐσίαν ἀφανῆ καταστήσαντι μηδὲν ὑμᾶς ὠφελεῖν εἵλετο μᾶλλον συνειδέναι ὑμᾶς, and Demosth. adv. Stephan. p. 1121. 17.—But Isæus de Ciron. c. 35, mentions ἀνδράποδα and ἐπίπλα in contradistinction to the δανείσματα, and Demosth. adv. Olympiod. p. 1171. 1, even reckons τὰ ἐπὶ τραπέζῃ as φανερόν. (?)

15) Boeckh's Publ. Œcon. ii. p. 281, following Harpocratio; Demosthenes certainly says, adv. Polycl. p. 1208. 27, δύξαν γὰρ ὑμῖν ὑπὲρ τῶν δημοτῶν τοὺς βουλευτὰς ἀπενεγκεῖν τοὺς προεισοίσοντας τῶν τε δημοτῶν καὶ τῶν ἐγκεκτημένων, προσαπηνέχθη μου τοὔνομα ἐν τριττοῖς δήμοις διὰ τὸ φανερὰν εἶναι τὴν οὐσίαν: but the two boards frequently acted in unison; see above, §. 152. n. 8.

16) See §. 153, notes 3 and 5.

17) Also called ἐκλογεῖς: see Schömann de Comitiis, p. 290, and Boeckh, Publ. Œcon. i. p. 238. Concerning the various quotas (δωδεκατή, πεντηκοστή, etc., Demosth. de Symmor. p. 185. 20), see ibid. ii. p. .

18) Ἀντίδοσις, see Demosth. adv. Phænipp., and more in Petit, Legg. p. 368; Wolf, l. l. p. cxxiii; Boeckh's Publ. Œcon. ii. p. 368 sq., and 491; Heffter, p. 378—382; Platner, ii. p. 106—110.

19) See above, n. 6, and Demosth. adv. Phænipp. p. 1044. 16; compare above, §. 126. n. 7.

20) Demosth. Leptin. c. 15; Lysias c. Eratosth. c. 20; comp. Herald. p. 411; and more above, §. 115. n. 11.

§. 163. The disadvantages of their situation as a minority were, however, far more severely felt by the rich in the courts of law, where the dominant mob soon made a prey not only of the wealth, but of the morals of the state[1]. The passion[2] for the business of the law courts, for which the common Athenian was so renowned, arose not less from his delight at seeing the rich man, before whom as a private individual he cowered, trembling before him in the court of law[3], than from the pecuniary profit Pericles attached to the business of dicast, necessary as this might be for his daily maintenance[4]; opportunities so tempting did not fail to extinguish the integrity and impartiality of the judge, exciting in their stead the most sordid selfishness of a capricious despotism. Judgment was given as might best suit the interest of the Demos[5], if not by directly ridding it of its enemies—though the infliction of penalties too heavy to be discharged, and consequently entailing ἀτιμία[6], tended directly to this —at all events by filling the public coffers from which the individuals of the mob eventually profited, although actual distributions of confiscated property were of rare occurrence[7]. As regards the moral results of the system—the first recorded instance of direct bribery of judges occurs in the case of Anytus (B. C. 409[8]); but, long before that, the caprice and weakness of the popular tribunals had given rise to the disgraceful trade of the sycophant, to which even the leaders of the Demos did not think it too low to stoop[9], whether it were that the informer and accuser sought to gain the favour of the people, or themselves to profit by the terrors of the wealthy[10]. From this chi-

canery there was no refuge either in the retirement of private[11] or in the activity of public life. The suspicions of the populace might be excited against either, for an ever growing suspicion was not wanting among the characteristics of despotism assumed by democracy. But the greater the facility with which interested demagogues hence found means to sway the populace by constant alarms of conspiracies and danger from the rich[12], the more prompt their antagonists among the latter to exchange intrigue for open violence.

1) See, on this point at large, Xenoph. Rep. Ath. c. 3; Wachsm. i. 2. p. 156—158; Rötscher's Aristoph. p. 137—150, and above, §. 69. n. 8, sqq.

2) Aristoph. Acharn. 383: *τῶν δ' αὖ γερόντων οἶδα τὰς ψυχὰς ὅτι Οὐδὲν βλέπουσιν ἄλλο πλὴν ψήφῳ δακεῖν.* See in particular the Vespæ, 88, sqq., and Nubb. 209, coll. Lucian. Icarom. c. 16, etc.

3) Aristoph. Vesp. 570, sqq., especially 595: *τοῦ πλούτου καταχήνη*, comp. Xenoph. Rep. Ath. i. 18: *ἀντιβολῆσαι ἀναγκάζεται ἐν τοῖς δικαστηρίοις καὶ εἰσιόντος του ἐπιλαμβάνεσθαι τῆς χειρός.*

4) See above, §. 134. n. 19, and Vesp. 625, coll. 314: *ἀπὸ γὰρ τοῦδέ με τοῦ μισθαρίου τρίτον αὐτὸν ἔχειν ἄλφιτα δεῖ καὶ ξύλα κῶψον*: Eccles. 587,

5) Thus Lysias adv. Epicrat. c. 1: *πολλάκις ἠκούσατε τούτων λεγόντων, ὁπότε βούλοιντό τινα ἀδίκως ἀπολέσαι, ὅτι εἰ μὴ καταψηφιεῖσθε ὧν αὐτοὶ κελεύουσι, ὑπολείψει ὑμᾶς ἡ μισθοφορά*: comp. Aristoph. Equitt. 1370, and Lysias adv. Nicomach. c. 22: *ἡ βουλὴ . . . ὅταν εἰς ἀπορίαν καταστῇ, ἀναγκάζεται εἰσαγγελίας δέχεσθαι καὶ δημεύειν τὰ τῶν πολιτῶν καὶ τῶν ῥητόρων τοῖς πονηρότατα λέγουσι πείθεσθαι.* See also above, §. 68. n. 5. §. 69. n. 12, and on the very great frequency of confiscations, see Boeckh, Publ. Œcon. ii. p. 127—131.: Meier de bonis damn. p. 11, sqq., and particularly, p. 171—178.

6) On the amount of the fines, see Boeckh's Publ. Œcon. ii. p. 108—118.

7) Thus, for instance, Plut. Vit. x. Orator. t. xii. p. 257, Hntt.: *θανάτου ὄντος ἐπιτιμίου, ἀλῶναι ἐποίησε καὶ πεντήκοντα δραχμὰς ἐκ τῆς οὐσίας αὐτοῦ ἑκάστῳ τῶν πολιτῶν διένεμε.*

8) After the loss of Pylos; see Diodor. xiii. 64, and more in Neumann ad Aristot. Fgm. p. 69.

9) Compare above, §. 69. n. 11. Aristoph. Equitt. 260. See however, Dem. adv. Neær. p. 1359. 15: *οὐ γάρ πω ἦν ῥήτωρ, ἀλλ' ἔτι συκοφάντης*, and Andoc. de reditu, c. 4: *αὐτοὶ μὲν οὗτοι οἱ ἄνδρες οὐ τολμῶσι σφᾶς αὐτοὺς εἰς τὸ μέσον καταστήσαντες διϊσχυρίζεσθαι περὶ τούτων . . . ἑτέρους δὲ εἰσπέμπουσιν . . εἰθισμένους ἤδη ἀναισχυντεῖν.* Hence the phrase *ἐπιγράφεσθαί τινα ἐπὶ τὴν γραφὴν*, Æschin. de Falsa Legat. c. 5; comp. Andoc. de Myster. c. 121; Demosth. Mid. c. 28, On the penalties attached to sycophancy (a fine of 1000 drachmæ, according to Lysias adv. Agorat. c. 65.) see Platner's Proc. u. Klag. ii. p. 164.

10) Xenoph. Mem. Socr. ii. 9: *εἰς δίκας ἄγουσιν, οὐχ ὅτι ἀδικοῦνται ὑπ' ἐμοῦ, ἀλλ' ὅτι νομίζουσιν ἥδιον ἄν με ἀργύριον τελέσαι ἢ πράγματα ἔχειν.* Comp. Sympos. iv. 30; Lysias de olea, c. 39; Demosth. adv. Aristog. i. p. 782. 23; Æschin. adv. Ctes. c. 87.

11) *Ἀπραγμοσύνη*: comp. Aristoph. Vesp. 1076; Pac. 191; Nubb. 1007.

12) Aristot. Pol. v. 7. 5: *ὥστε δεῖ τοὺς τῆς πολιτείας φροντίζοντας φόβους παρασκευάζειν, ἵνα φυλάττωσι καὶ μὴ καταλύωσι*: comp. Wachsm. i. 2. p. 154; especially, Aristoph. Vesp. 508: *ὡς ἅπαν θ' ὑμῖν τυραννίς ἐστι καὶ ξυνωμόται κ. τ. λ.*; Equ. 236, 479; Lysistr. 630; Plut. 949; also, Demosth. *π. συνταξ.* p. 170. 8; and for a further account of the *κατάλυσις τοῦ δήμου* in general, see Salmas. Misc. Defens. p. 296, sqq.; Herald. Obss. ad J. A. et R. p. 227, and 267, sqq.; Schneider ad Aristot. Pol. p. 279; Meier de bonis, p. 1, sqq.; Platner Proc. u. Kl. ii. p. 83, sqq.

§. 164. The first conspiracy for the overthrow of the democracy, appears to have been as early as the battle of Tanagra, B. C. 457[1], and what means the oligarchical party even at that period considered lawful, is shown by the murder of Ephialtes[2], who had, it is true, removed the last obstacle to the establishment of pure democracy, by annihilating the political influence of the Areopagus, but is represented to have been, on the whole, a second Aristides[3]. Generally speaking however, the leaders of the oligarchical party, such as Cimon and his successor Thucydides, the son of Milesias[4], confined themselves to a legal opposition, but in this they both succumbed to the influence of Pericles and were successively ostracised[5]. Nicias was still more moderate[6], and his measures were too feeble to prevent the rapid development of a general system of demagogy by Cleon[7]; even the decided influence he obtained for a moment after the fall of that leader at Amphipolis, B. C. 422, was not sufficient to preserve the state, which had hitherto been pretty equally balanced between the contending parties, from that decided decline which was now hastened on by the selfish views of its leaders. The boldness of Cleon in attempting to fill the place left vacant by Pericles is unparalleled in history; but no

sooner had his example shown how little was requisite in the leader of a corrupt populace[8], than there arose a general struggle to attain the post[9], amidst which only a few, of whom Hyperbolus was first[10], gained an accidental and undecided superiority. Even the oligarchical opposition began to split into separate clubs, ἑταιρίαι, in correspondence indeed with the noble classes who formed the connecting links between the partizans of Sparta in the various subject states of Athens[11], but each bent on some interest of its own or of its leader. Of these leaders, Alcibiades was, indisputably, at that period the most conspicuous[12], both birth and talent seemed to entitle him above all others to be the successor of Pericles, and such he might have been, had he but checked the licentious spirit by which he excited the mistrust of every party in succession. His coalition with the club, ἑταιρία, of Phæax effected the ostracism of the demagogue Hyperbolus, and, at the same time, deprived the Demos for ever of the formidable instrument[13] they had till then possessed in that mode of punishment; but his fall, consequent on the famous prosecution of the Hermocopidæ, (B. C. 415,) was the more decisive, occurring as it did at the very moment when the expedition to Sicily seemed the first successful step towards the accomplishment of his extensive designs[14].

1) Thuc. i. 107. comp. Meier de bonis, p. 4.—According to Plut. Vit. Aristid. c. 13, as early as Platæa, but this appears doubtful. We hear indeed of the Alcmæonidæ at Marathon, see Herod. vi. 115, coll. 121, sqq.

2) Diodor. xi. 77; according to Aristotle, ap. Plut. Vit. Pericl. c. 10, the assassin was a Tanagræan, named Aristodicus; in the time of Antipho (de Cæde Herod. c. 68.) he had not been discovered.

3) See Periz. ad Ælian. Var. Hist. ii. 43; Wachsmuth, i. 2. p. 60; Forchhammer de Areopago, (see above, §. 109. n. 5, 6.) p. 10.

4) See Plut. Vit. Pericl. c. 8, and 11; Plat. Menon. p. 94. C, and more in Meurs. Lectt. Att. v. 26; Siebel. ad Philoch. Fragm. p. 53; Wachsm. i. 2. p. 63.

5) See above, §. 111. n. 17.

6) See Plut. Vit. Niciæ, c. 2, and more in Wachsm, i. 2. p. 184; con-

sult also, Süvern über Aristophanes Drama, genannt das Alter, (Berlin, 1827. 4.) p. 28, sqq.—On his wealth, see Boeckh's Publ. Œcon. ii. p. 240.

7) Concerning Cleon, see in particular, Kortüm in Bremi and Döderlein's Philol. Beiträgen aus der Schweiz, i. p. 35—60; Poppo's Prolegg. ad Thucyd. i. 2. p. 82; Rötscher's Aristophanes, p. 166—176; Wachsmuth, i. 2. p. 181—184.

8) Aristoph. Equ. 193: *ἡ δημαγωγία γὰρ οὐ πρὸς μουσικοῦ Ἐστ' ἐστὶν ἀνδρὸς οὐδὲ χρηστοῦ τοὺς τρόπους*: ibid. 213: *φαυλότατον ἔργον ταῦθ' ἅπερ ποιεῖς ποιεῖ· Τάραττε καὶ χόρδευ' ὁμοῦ τὰ πράγματα Ἅπαντα, καὶ τὸν δῆμον ἀεὶ προσποιοῦ, κ. τ. λ.*

9) Thucyd. ii. 65: *οἱ δὲ ὕστερον, ὅσοι αὐτοὶ μᾶλλον πρὸς ἀλλήλους ὄντες, ἐτράποντο καθ' ἡδονὰς τῷ δήμῳ καὶ τὰ πράγματα ἐνδιδόναι.* For particulars, see Kortüm zur Gesch. hellen. Staatsv. p. 176, sqq., and Passow's Gesch. d. athen. Demagogie; see also above, §. 69. n. 2, sqq.

10) See Aristoph. Pac. 687: *ἀπορῶν ὁ δῆμος προστάτου καὶ γυμνὸς ὢν Τοῦτον τέως τὸν ἄνδρα περιεζώσατο.* Compare also at large, A. Meineke, Quæstt. scenicarum Spec. ii. (Berl. 1827.) p. 27—31.

11) Comp. Thucyd. viii. 64; also, c. 54: *τὰς συνωμοσίας, αἵπερ ἐτύγχανον πρότερον ἐν τῇ πόλει οὖσαι ἐπὶ δίκαις καὶ ἀρχαῖς, ἀπάσας ἐπελθὼν καὶ παρακελευσάμενος ὅπως ξυστραφέντες καὶ κοινῇ βουλευσάμενοι καταλύσωσι τὸν δῆμον*, and more above, §. 70. But these even, when occasion suited, all played the demagogue, comp. Thucyd. viii. 48: *τοὺς καλοὺς κἀγαθοὺς ὀνομαζομένους . . . ποριστὰς ὄντας καὶ ἐσηγητὰς τῶν κακῶν τῷ δήμῳ*, and particularly Lysias de affect. tyrann. cc. 9, 10: *οὔκουν χαλεπὸν γνῶναι, ὅτι οὐ περὶ πολιτείας εἰσὶν αἱ πρὸς ἀλλήλους διαφοραὶ, ἀλλὰ περὶ τῶν ἰδίᾳ συμφερόντων ἑκάστῳ.*

12) For his character in general see, besides Plutarch, (ed. J. C. F. Bähr, Heidelb. 1822.) the oration of Andocides against him, (comp. Hauptmann, Alcibiades Andocideus, t. viii. p. 575—584, Rsk.) and Isocr. *περὶ τοῦ ζεύγους*, also Lysias adv. Alcib. (his son); Athen. xii. 47—49; Plat. de Rep. vi. p. 424; Wachsm. i. 2. p. 187, sqq., also Heeren's Researches, Greece, p. 231., sqq.; Thucyd. vi. 15, bears particularly on this point, *φοβηθέντες γὰρ αὐτοῦ οἱ πολλοὶ τὸ μέγεθος . . ὡς τυραννίδος ἐπιθυμοῦντι πολέμιοι καθέστασαν*, and viii. 48: *Ἀλκιβιάδης (ὅπερ καὶ ἦν) οὐδὲν μᾶλλον ὀλιγαρχίας ἢ δημοκρατίας δεῖσθαι ἐδόκει αὐτῷ.*

13) Plut. Alcib. c. 13; comp. Thucyd. viii. 73.

14) Extending to Italy and Carthage; see Thucyd. vi. 15; Isocr. de Pace, c. 23. Hyperbolus indeed had already conceived a similar design, Aristoph. Equ. 1314. Comp. Plut. Periel. c. 20, and Krüger post Dionys. Hal. p. 272, against Boeckh, Publ. Œcon. i. p. 388.

§. 165. Above all, it was only in time of war that the leaders of these parties expected to attain their ends; and though the accusation which makes Pericles to have excited the Peloponnesian war from private views, was probably due only to party-malice[1], it certainly became the object of many, after his death, to frus-

trate all attempts at effecting a peace, that they might, as Aristophanes said[2], fish in troubled water. Only a few[3] of the wiser and better sort, like Nicias, preferred securing what had been gained to hazarding further attempts at conquest[4]. From that time forth, the citizen began to be as insensible to personal distinctions, whether of office[5] or insignia of honour[6], as the state had become lavish of them. But the interests of the people were chiefly sacrificed by its leaders[7], to opportunities of enriching themselves; opportunities now more numerous than ever, owing to the increased number of responsible officers, all exposed to the arts of sycophants[8], and to the terror in which the subject states stood of both the orators and generals of Athens[9]. The defensive system of warfare recommended by Pericles, having greatly augmented the crowd of idle citizens[10] within the walls, they were the more easily gained over by demagogues, who promised them a constant maintenance at the public cost[11], and whilst these factious leaders availed themselves of the national jealousy of their countrymen against Sparta[12], soothed their pride by flattery[13], fostered their credulity by splendid promises[14], and their superstition by forged oracles[15], their natural recklessness increased to such a pitch[16], that even contemporaries wondered how Athens could last so long[17]. The prosecution of the Hermocopidæ which belongs to this period is of peculiar and deep interest, as affording a proof of the wild caprice and wanton extravagances of the greater part of the nation, although the real facts of that transaction, the machinations of the anti-democratical party, are wholly obscured from our view[18].

1) Aristoph. Pac. 605; comp. Acharn. 535, sqq.

2) Id. Equit. 875; comp. Diodor. xiii. 59; Plut. Vit. Cimon. c. 19: *δημαγωγοὶ καὶ πολεμοποιοί, κ. τ. λ.*

3) As Laches (*Λάβης*, ap. Aristoph. Vesp. 930, sq.; Lamachus, Acharn. 602, sqq., Pac. 1290; though a very different character from Hyperbolus, Thesm. 847.

4) Thucyd. v. 16: *Νικίας μὲν βουλόμενος, ἐν ᾧ ἀπαθὴς ἦν καὶ ἠξιοῦτο, διασῶσασθαι τὴν εὐτυχίαν . . . νομίζων ἐκ τοῦ ἀκινδύνου τοῦτο συμβαίνειν καὶ ὕστις ἐλάχιστα τύχῃ αὐτὸν παραδίδωσι, τὸ δὲ ἀκίνδυνον τὴν εἰρήνην παρέχειν.*

5) Aristoph. Vesp. 702; Pac. 446; Lysistr. 490.

6) Id. Equit. 579: *νῦν δ' ἐὰν μὴ προεδρίαν φέρωσι καὶ τὰ σιτία (ἐν Πρυτανείῳ), οὐ μαχεῖσθαί φασιν*: see A. Westermann de publ. Athen. honor., (Lips. 1830.), and for the contrast presented by the earlier times, Æschin. adv. Ctesiph. c. 57; Demosth. adv. Aristocr. p. 686.

7) Æschin adv. Ctesiph. c. 79: *πρότερον μὲν γὰρ τοιαύτας φύσεις ἤνεγκε τὸ δημόσιον, αἳ ῥᾳδίως οὕτω κατέλυσαν τὸν δῆμον· ἔχαιρε γὰρ κολακευόμενος· ἔπειτ' αὐτὸν οὐχ οὗς ἐφοβεῖτο, ἀλλ' οἷς ἑαυτὸν ἐνεχείριζε, κατέλυσαν.*

8) Aristoph. ibid. 65, sqq.; comp. Antiph. de Choreuta, c. 43.

9) Aristoph. Vesp. 689, sqq.; Pac. 640, sqq.; comp. also, Thucyd. iii. 11: *ἀπὸ θεραπείας τοῦ τε κοινοῦ αὐτῶν καὶ τῶν ἀεὶ προεστώτων περιεγιγνόμεθα*: and Lysias de affect. tyr. c. 19: *πάντες γὰρ ἐπίστασθε ὅτι ἐν τῇ προτέρᾳ δημοκρατίᾳ τῶν τὰ τῆς πολέως πραττόντων πολλοὶ μὲν τὰ δημόσια ἔκλεπτον, ἔνιοι δ' ἐπὶ τοῖς ὑμετέροις ἐδωροδόκουν, οἱ δὲ συκοφαντοῦντες τοὺς συμμάχους ἀφίστασαν.*

10) Thucyd. ii. 14—17; comp. Aristoph. Equ. 803, sqq.

11) Aristoph. Pac. 633: *κᾆτα δ' ὡς ἐκ τῶν ἀγρῶν ξυνῆλθεν ὀὐργάτης λεὼς . . ἔβλεπεν πρὸς τοὺς λέγοντας· οἱ δὲ γιγνώσκοντες εὖ τοὺς πένητας ἀσθενοῦντας κἀποροῦντας ἀλφίτων, κ. τ. λ.* Comp. Vesp. 242; Equ. 51 and 817. The times had then, it seems, long since passed, when, as Isocrates boasts (Areop. extr.), Athens did not contain a beggar.

12) Aristoph. Pac. 219; Lysistr. 629.

13) Id. Acharn. 330: *τούς τε γὰρ τρόπους τοὺς τῶν ἀγροίκων οἶδα χαίροντας σφόδρα, ἐάν τις αὐτοὺς εὐλογῇ καὶ τὴν πόλιν . . κἀνταῦθα λανθάνουσ' ἀπεμπολώμενοι.* Comp. 642, sqq.; Equ. 1352.

14) Id. Vesp. 735, sqq.

15) Id. Equit. 81: *ᾄδει δὲ χρησμοὺς, ὁ δὲ γέρων σιβυλλιᾷ*: comp. ibid. 1022, and Aves, 988: *αἰετὸς ἐν νεφέλῃσι γενήσεαι.*

16) Compare above, §. 69. n. 1, and Wachsmuth, i. 2. p. 151—156.

17) Aristoph. Nubb. 583: *φασὶ γὰρ δυσβουλίαν τῇδε τῇ πόλει προσεῖναι· ταῦτα μέντοι τοὺς θεοὺς, ἅτ' ἂν ὑμεῖς ἐξαμάρτητ', ἐπὶ τὸ βέλτιον τρέπειν.* Comp. Eccles. 496, and more in the commentt. on the Equites, 1352, and Vœmel ad Demosth. Philipp. i. p. 43. 16.

18) See Thucyd. vi. 27—29 and 60; Andoc. de Mysteriis, particularly c. 36, sqq.; comp. J. O. Sluiteri Lectiones Andocideæ, (L. B. 1804.) and Wachsmuth, i. 2. p. 192—197, coll. p. 445.

§. 166. The unfortunate result of the Sicilian expedition, B. C. 413, at the same time as it annihilated

the flower of the nation [1], restored to it some degree of sober caution [2]; and the Athenians displayed in the subsequent defensive operations of the years B. C. 412 and 411 a prudence and vigour, which, after what had passed, must be admitted to furnish a proof of the original solidity of their political organization [3], short as was, after all, the period during which their impending fall was delayed. The exhausted state of her allies, whom she had drained by occasional forced contributions in addition to the regular tribute [4], had compelled Athens as early as B. C. 413, to exchange the direct tribute hitherto levied into a toll of one-twentieth of the value on all exports and imports [5]. The general defection of the allies which now occurred [6], deprived the state at once of all those supplies which had hitherto served to fill the courts of justice and public assemblies, and to ensure to the Demos its majority of votes: at the same time, the fortification of Decelea by the Lacedæmonians, in the immediate neighbourhood of the city, reduced it almost to a state of siege [7]. Terror and despair seized the multitude, but increased the boldness of the oligarchical party, by whose machinations these results had been gradually effected; the élite of the citizens were absent on duty with the fleet; the most active leaders of the people still remaining in the city fell by assassination [8], and among them Androcles, the chief opponent of Alcibiades; dread of the secret power and extensive ramifications of the clubs (ἑταιρείαι) destroyed all confidence, and the oligarchical conspirators had the chief authority actually in their hands for some time before they would consent formally to accept the offer of it [9]: at last, in the year B. C. 410, the people, blinded by vain expectations [10], voluntarily resigned the power from which they could no longer derive the means of subsistence. The provisional com-

mittee [11] which had been appointed in B. C. 413, had been a purely oligarchical contrivance for the purpose of checking the democratical spirit of the senate of five-hundred, which was now entirely supplanted by a body of four hundred partizans [12] who had elected each other [13]; the general assembly of the people was replaced by a body of 5000 substantial citizens of age for military service, who were elected and whose meetings were summoned by the four hundred, and hence they served for mere form, that body ruling with absolute authority [14].

1) On the strength of the expedition, see Boeckh's Publ. Œcon. i. p. 354, sqq.

2) Thucyd. ii. 65, and viii. 1: *πάντα τε πρὸς τὸ παραχρῆμα περιδεὲς (ὅπερ φιλεῖ δῆμος ποιεῖν) ἕτοιμοι ἦσαν εὐτακτεῖν.*

3) See at large, Krüger, in his appendix to Dionys. Historiogr. p. 272, sqq., and (de classe Atheniensium) p. 309—325.

4) *Ἀργυρολογεῖν*, Thucyd. iii. 19; Aristoph. Equ. 1080, etc.; comp. Boeckh's Publ. Œcon. ii. p. 375.

5) Thucyd. vii. 28. Hence the *εἰκοστολόγοι*, Aristoph. Ran. 366.

6) See Krüger, l. l. p. 326—349, and above, §. 39. n. 3, sqq.

7) Comp. Aristoph. Lysistr. 555, sqq., and especially the speech of Alcibiades in Thucyd. vi. 91: *οἷς τε γὰρ ἡ χώρα κατεσκεύασται, τὰ πολλὰ πρὸς ὑμᾶς τὰ μὲν ληφθέντα τὰ δ' αὐτόματα ἥξει· καὶ τὰς τοῦ Λαυρίου τῶν ἀργυρείων μετάλλων προσόδους, καὶ ὅσα ἀπὸ γῆς καὶ ἐκ δικαστηρίων* (Boeckh, i. p. 368.) *νῦν ὠφελοῦνται, εὐθὺς ἀποστερήσονται, κ. τ. λ.*

8) Thucyd. viii. 65; comp. Ruhnk. Hist. orat. gr. p. xliii.

9) Ibid. c. 66; but it is a mistaken notion that the power had already been vested in 5000, *before* it was exercised by the four hundred; this opinion is advocated by Hinrichs de Theram. p. 8, and Krüger, l. l. 371, but Thucyd. only says, *λόγος προείργαστο αὐτοῖς ὡς οὔτε μισθοφορητέον εἴη ἄλλους ἢ τοὺς στρατευομένους, οὔτε μεθεκτέον τῶν πραγμάτων πλείοσιν ἢ πεντακισχιλίοις, καὶ τούτοις οἳ ἂν μάλιστα τοῖς τε χρήμασι καὶ τοῖς σώμασιν ὠφελεῖν οἷοί τε ὦσιν*, and adds expressly, *δῆμος μέντοι ὅμως ἔτι καὶ βουλὴ ἀπὸ τοῦ κυάμου συνελέγετο· ἐβούλευον δὲ οὐδέν, ὅ τι μὴ τοῖς συνεσηκόσι δοκοίη, κ. τ. λ.*

10) Aristot. Pol. v. 3. 8: *οἷον ἐπὶ τῶν τετρακοσίων τὸν δῆμον ἐξηπάτησαν φάσκοντες τὸν βασιλέα χρήματα παρέξειν, κ. τ. λ.*, comp. Thucyd. viii. 48.

11) Thucyd. viii. 1: *ἐδόκει . . τῶν τε κατὰ τὴν πόλιν τι ἐς εὐτέλειαν σωφρονίσαι καὶ ἀρχήν τινα πρεσβυτέρων ἀνδρῶν ἑλέσθαι, οἵτινες περὶ τῶν παρόντων, ὡς ἂν καιρὸς ᾖ, προβουλεύσουσι.* Comp. Aristoph. Lysistr. 387, sqq., and see more in Krüger, l. l. p. 273, and above, §. 54. n. 4; Diodor. xii. 75, says it occurred ten years earlier, which is also the

notion in Suidas, s. v. *πρόβουλοι*: *πρὸς τοῖς οὖσι δέκα ᾑρέθησαν ἄλλοι εἴκοσί . . μετὰ τὴν ἐν Σικελίᾳ συμφοράν* (?) Comp. also, Ælian. Var. Hist. v. 13; and see below, n. 13. extr.

12) See Krüger in his appendix to Dionys. p. 362—390; Wachsm. i. 2. p. 197, sqq.

13) Thucyd. viii. 67: *οἱ περὶ τὸν Πείσανδρον . . εἶπον γνώμην, δέκα ἄνδρας ἑλέσθαι ξυγγραφέας* (Isocr. Areop. p. 358) *αὐτοκράτορας, τούτους δὲ ξυγγράψαντας γνώμην ἐσενεγκεῖν ἐς τὸν δῆμον . . καθ' ὅ τι ἄριστα ἡ πόλις οἰκήσεται· καὶ ἐσήνεγκαν οἱ ξυγγραφεῖς ἄλλο μὲν οὐδέν, αὐτὸ δὲ τοῦτο, ἐξεῖναι μὲν Ἀθηναίων ἀνειπεῖν γνώμην ἣν ἄν τις βούληται· ἣν δέ τις τὸν εἰπόντα ἢ γράψηται παρανόμων* (§. 132. n. 2.) *ἢ ἄλλῳ τῳ τρόπῳ βλάψῃ, μεγάλας ζημίας ἐπέθεσαν. Ἐνταῦθα δὴ λαμπρῶς ἐλέγετο, μήτε ἀρχὴν ἄρχειν μηδεμίαν ἔτι ἐκ τοῦ αὐτοῦ κόσμου μήτε μισθοφορεῖν· προέδρους τε ἑλέσθαι πέντε ἄνδρας, τούτους δὲ ἑλέσθαι ἑκατὸν καὶ τῶν ἑκατὸν ἕκαστον πρὸς ἑαυτῷν τρεῖς.* The election by the Phylæ (Lysias pro Polystr. c. 2.) refers to the *συγγραφεῖς*, who were naturally all selected from among the four hundred; according, indeed, to Phot. p. 456, Pors., and others, these *συγγραφεῖς*, on the contrary, chose the four hundred, but may not this notion have arisen from confounding them with the *καταλογεῖς* (Lysias, l. l. c. 13), as also the supposition found in Harpocratio, who follows Philochorus, (comp. Siebel. p. 67), and Androtio, that they were thirty in number, from a like confusion with the thirty of B. C. 404? Compare Krüger, p. 375.

14) Thucyd. viii. 70—72.

§. 167. Scarcely, however, was the victory in the hands of the Oligarchs, when dissension arose from their ambitious and discordant aims. On the one hand stood Antipho the Rhamnusian[1], with his friends Pisander, Phrynichus, Aristarchus, and others; on the other, was Theramenes and his adherents, among whom is mentioned Aristocrates, the son of Scellius[2]; the former evidently intended to betray the city to the Lacedæmonians[3], from whom alone they expected secure possession of their newly-obtained power; and Theramenes, on the other hand, has been branded, even by his contemporaries, as a faithless and time-serving character[4]. On the occasion of which we are speaking, he had the cunning to wait for the decision of the troops, then with the fleet at Samos: that army under the guidance of Thrasybulus and Thrasyllus, proclaimed the Democracy anew, declaring itself to constitute the real Athenian state[5], and seemed the more formidable from the circumstance that Alci-

biades, whose celebrated name the Oligarchs had been obliged to use to influence the multitude, returned from exile to place himself at its head[6]. Even he had great difficulty in preventing its immediate advance on Athens; but such a measure was, in fact, become unnecessary: four months had scarcely elapsed, when the people, whose exasperation had risen to its height on the loss of Eubœa, deposed the four hundred; Phrynichus was assassinated[7], the rest but partially escaped the vengeance of the public courts, where Theramenes and Aristocrates themselves appeared as their accusers[8]. The senate of five hundred was re-established; but there being no longer any means of paying the people, the chief powers of government rested with the 5000[9]; though it is uncertain for how long: the victories won by Alcibiades and Thrasybulus opened so many new sources of revenue[10], that we must admit the Democracy to have been re-established in its absolute form immediately on the victorious return of the former, B. C. 407[11]. Perfectly in character were its first acts, namely, its ingratitude to Alcibiades[12], and the judicial murder of the generals who had won the battle of Arginusæ, B. C. 406[13]; though Theramenes certainly had a great share in the latter proceeding[14]. Meantime the intrigues of the Oligarchs knew no intermission; the decisive blow, which annihilated the last support of Athens, its fleet, at Ægospotamos, B. C. 405, was unquestionably the work of their treachery[15], and, however useless it may have been in the demagogue Cleophon to oppose the conclusion of a peace at all hazards[16], the charges and accusations of conspiracy[17], which cost him his life, were assuredly well founded[18].

1) See Thucyd. viii. 68, and (the Pseudo?) Plutarch Vitt. x. Oratt. t. xii. p. 220, sqq. Hutt., comparing the notes of Taylor, Lectt. Lysiacc. t. ii. p. 268, Rsk.; consult also, at large, P. van. Spaan (præs. Ruhnkenio) Disp. de Antiphonte Oratore Attico (L. B. 1765, and in Ruhnken's Opuscc. ed. Friedemann, Brunsw. 1828), t. i. p. 140—175; Groen van

Prinsterer's Platon. Prosopographia (L. B. 1823), p. 212. and on his character as an orator and rhetorician, see Spengel's Artium Scriptt. (Stuttg. 1828), p. 105—120.

2) See Thucyd. viii. 89, and more in Ed. Ph. Hinrichs de Theramenis, Critiæ et Thrasybuli rebus et ingenio, (Hamb. 1820); on Aristocrates, the son of Scellius, see also Demosth. adv. Theocr. p. 1343.

3) Thucyd. viii. 90, sqq., coll. c. 70; Xenoph. Hell. i. 7. 29 (Œnœ; Thuc. viii. 98); ii. 3. 46 (Œtionea); Isocr. de Bigis, p. 834: *οἱ δὲ τοὺς ἐκ Δεκελείας μετεπέμποντο ἡγούμενοι κρεῖττον εἶναι τοῖς πολεμίοις τὴν πατρίδα παραδοῦναι μᾶλλον, ἢ τοῖς ὑπὲρ τῆς πόλεως στρατευομένοις τῆς πολιτείας μεταδοῦναι.*

4) See the description in Lysias adv. Eratosth. c. 62, sqq., especially c. 6: *ὃς πρῶτον μὲν τῆς προτέρας ὀλιγαρχίας αἰτιώτατος ἐγένετο* (Thucyd. viii. 8: *ἀνὴρ οὔτε εἰπεῖν οὔτε γνῶναι ἀδύνατος*) . . *καὶ ἕως μὲν ἐτιμᾶτο, πιστὸν, ἑαυτὸν τῇ πόλει παρεῖχεν· ἐπειδὴ δὲ Πείσανδρον μὲν καὶ Κάλλαισχρον καὶ ἑτέρους ἑώρα προτέρους αὐτοῦ γενομένους, τὸ δὲ ὑμέτερον πλῆθος οὐκέτι βουλόμενον τούτων ἀκροᾶσθαι, τότ' ἤδη διὰ τὸν πρὸς ἐκείνους φθόνον καὶ τὸ παρ' ὑμῶν δέος μετέσχε τῶν Ἀριστοκράτους ἔργων*: on the epithet *κόθορνος*, see Xenoph. Hell. ii. 3. 30, 31; Schol. Aristoph. Ran. 541; and the opposite view taken by Taylor V. Lysiæ, t. ii. p. 126, Rsk.; Hinrichs, l. l. p. 60.

5) Thucyd. viii. 76: . . *ὡς οὐ δεῖ ἀθυμεῖν, ὅτι ἡ πόλις αὐτῶν ἀφέστηκε· τοὺς γὰρ ἐλάσσους ἀπὸ σφῶν, τῶν πλεόνων καὶ ἐς πάντα ποριμωτέρων, μεθιστάναι, κ. τ. λ.* In reference to which Manso says—"the revolutionary attempts at Samos and Athens were simultaneously planned," Sparta. ii. p. 474—481.

6) Thucyd. viii. 86; Plut. Vit. Alcib. c. 26.

7) Thucyd. viii. 92, and for a more particular but different account see Lysias adv. Agorat. c. 70, sqq., and Lycurg. adv. Leocr. c. 30. On his importance, see Aristot. Polit. v. 5. 4: *ἐγγίνεται γὰρ δημαγωγὸς, κἂν πάνυ ὀλίγοι ὦσιν, οἷον . . . ἐν τοῖς Υ οἱ περὶ Φρύνιχον*: comp. Thucyd. viii. 27: *καὶ ἔδοξεν . . . οὐκ εἰς τοῦτο μόνον, ἀλλὰ καὶ ἐς ὅσα ἄλλα Φρύνιχος κατέστη, οὐκ ἀξύνετος εἶναι.*

8) Thucyd. viii. 91, sqq. On the punishment of the traitors, in which Theramenes acted as prosecutor (Lysias adv. Eratosth. c. 67), see Meier de bonis damn. p. 181, sq., coll. Philol. Blätter, ii. p. 183, sqq.; and on the decree of Demophantus (Andoc. de Myster. c. 96; conf. Demosth. Leptin. c. 138: Lycurg. adv. Leocr. c. 31: *κτείνειν τὸν τὴν πατρίδα προδιδόντα καὶ λόγῳ καὶ ἔργῳ καὶ χειρὶ καὶ ψήφῳ*) id. de bonis, p. 3—10.

9) Thucyd. viii. 97: *τοὺς τετρακοσίους καταπαύσαντες τοῖς πεντακισχιλίοις ἐψηφίσαντο τὰ πράγματα παραδοῦναι· εἶναι δὲ αὐτῶν ὁπόσοι ὅπλα παρέχονται· καὶ μισθὸν μηδένα φέρειν μηδεμιᾷ ἀρχῇ . . . καὶ οὐχ ἥκιστα δὴ*, he proceeds, *τὸν πρῶτον χρόνον ἐπί γε ἐμοῦ Ἀθηναῖοι φαίνονται εὖ πολιτεύσαντες*. comp. Plat. de Legg. vi. p. 753, B., and more in Krüger post Dionys. p. 254, and above, §. 67. n. 2.

10) See Plut. Vit. Alcib. c. 27—31; particularly the victories of Sestos (*Κυνὸς σῆμα*) Thucyd. viii. 104—106; Diodor. xiii. 38—42; Abydus, Xenoph. Hell. i. 1. 5—7; Diodor. c. 45—47; Cyzicus, Xenoph. §. 14—23; Diodor. c. 49—52; and the capture of Thasos, Abdera, (Diod. c. 72), and Byzantium (Xenoph. i. 3. 14—22; Diodor. c. 67), where they immediately erected the *δεκατευτήριον* (custom-house) and levied transit duties of one-tenth; comp. Boeckh's Publ. Œcon. ii. p. 39.

11) Fréret in the Mém. de l'Acad. des Inscr. t. xlvii. p. 243 : *il paraît, que l'ancienne forme du gouvernement ne fut entièrement rétablie, qu'au retour d'Alcibiade à Athènes, en* 407.—For the particulars of his return, see Xenoph. Hell. i. 4. 12—20 ; Diodor. xiii. 68 ; Plut. V. Alcib. c. 32—34 ; Athen. xii. 49.

12) Xenoph. i. 5. 16 ; Diodor. xiii. 73 ; according to Plut. c. 36, they were instigated, in this particular instance, by Thrasybulus.

13) See above, §. 130. n. 11, and, on the subject at large, Lysias de affect. tyrann. c. 25—27 : *ἄξιον δὲ μνησθῆναι τῶν μετὰ τοὺς τετρακοσίους πραγμάτων . . . ἴστε γὰρ Ἐπιγένην καὶ Δημοφάνην καὶ Κλεισθένην ἰδίᾳ μὲν καρπωσαμένους τὰς τῆς πόλεως συμφορὰς, δημοσίᾳ δὲ ὄντας μεγίστων κακῶν αἰτίους. Ἐνίων μὲν γὰρ ἔπεισαν ὑμᾶς ἀκρίτων θάνατον καταψηφίσασθαι, πολλῶν δ' ἀδίκως δημεύσαι τὰς οὐσίας, τοὺς δ' ἐξελάσαι καὶ ἀτιμῶσαι τῶν πολιτῶν, κ. τ. λ.* See more in Wachsm. i. 2. p. 205—208.

14) On Theramenes, as the accuser of the victorious generals, see Xenoph. Hell. ii. 3. 32, and compare Hinrichs, l. l. p. 14—17, who has also ably defended Thrasybulus against the charges advanced against him by Luzac (de Socr. cive. p. 115.—With him we may mention Archedemus (Aristoph. Ran. 420), *τότε προιστηκὼς ἐν Ἀθήναις καὶ τῆς Δεκελείας ἐπιμελούμενος* : Xenoph. i. 7. 2.

15) Adimantus (Xenoph. ii. 1. 32), and Tydeus ; comp. Pausan. x. 9. 5 ; Lysias in Eratosth. c. 36 : *οἱ ἰδιῶται μὲν ὄντες καθ' ὅσον ἐδύναντο ἐποίησαν ἡττηθῆναι ναυμαχοῦντας*, and adv. Alcib. i. c. 38.

16) After the battle at Cyzicus, Diodor. xiii. 53 ; after that of Arginusæ, Æschin. de F. L. c. 21 ; Schol. Aristoph. Ran. 1580 ; and again after that of Ægos Potamos, Lysias adv. Agorat. c. 8. Concerning this demagogue (*ὃς ἐπὶ τοῦ πρὸς Λακεδαιμονίους πολέμου, ὡς λέγεται, τὴν πόλιν ἀπώλεσεν*, Æschin. c. Ctesiph. c. 46), more may be seen in Periz. ad Æl. Var. Hist. xii. 43 : Ruhnk. Hist. Orat. gr. p. xliv. : Meier de bonis damn. p. 218 ; Meinek. Quæstt. Sc. ii. p. 17.

17) Lysias adv. Nicom. c. 10 : *Κλεοφῶν τὴν βουλὴν ἐλοιδόρει φάσκων συνεστάναι καὶ οὐ τὰ βέλτιστα βουλεύειν τῇ πόλει* : comp. adv. Agorat. c. 20 : *ἡ δὲ βουλὴ ἡ πρὸ τῶν τριάκοντα βουλεύουσα διέφθαρτο καὶ ὀλιγαρχίας ἐπεθύμει, ὡς ἴστε, μάλιστα, τεκμήριον δὲ· οἱ γὰρ πολλοὶ ἐξ ἐκείνης τῆς βουλῆς τὴν ὑστεραν βουλὴν τὴν ἐπὶ τῶν τριάκοντα ἐβούλευον.*

18) Lysias adv. Nicom. c. 12 : *Κλεοφῶντος . . . . ἕτερα μὲν ἂν ἔχοι τις κατηγορῆσαι, τοῦτο δὲ παρὰ πάντων ὁμολογεῖται, ὅτι Σάτυρος* (Xenoph. ii. 3. 54), *καὶ οἱ τῶν τριάκοντα γενόμενοι οὐχ ὑπὲρ ὑμῶν ὀργιζόμενοι κατηγόρουν, ἀλλ' ἵνα ἐκεῖνον ἀποκτείναντες αὐτοὶ ὑμᾶς κακῶς ποιῶσι.* Comp. adv. Agorat. c. 7—12, and the incidental mention of him in Xenoph. Hell. i. 7. 40.

§. 168. The conspirators succeeded, immediately after the battle, in procuring the nomination of five ephors from their own party, with full powers for the administration of all public matters[1] ; the re-instatement of the *ἄτιμοι* in their rights[2], served to strengthen their

party, and even the preparations for an obstinate defence of the city had probably the same object as the treacherous embassy of Theramenes to Lacedæmon[3], namely, to terrify the people by the threatened horrors of a protracted siege, to accept any terms that might be proposed. The surrender of the city, which soon followed, was the signal for another total abolition of the Democracy; on the proposal of Dracontides[4], thirty persons were elected[5], from among the four hundred who had lately been in power[6], ostensibly for the purpose of framing a new constitution, but, instead of proceding to do so, they seized on the supreme power themselves, named a senate with judicial powers, and magistrates of their own choice[7], and limited the right of citizenship and possession of arms, and even of residence within the walls[8], to a party of 3000 persons[9]. Over all others they claimed the exercise of absolute power[10], and soon began, by aid of a garrison of mercenaries from Lacedæmon, to act with such cruelty and rapacity against both natives and foreigners[11], as even to disgust some of their own party, and create a division in it[12], until at last Theramenes, who was for a more moderate course, fell a victim[13] to Critias, the leader of this newly-exalted faction[14].

1) Lysias adv. Eratosh. c. 43—46: *πέντε ἄνδρες ἔφοροι κατέστησαν ὑπὸ τῶν καλουμένων ἑταίρων, συναγωγεῖς μὲν τῶν πολιτῶν, ἄρχοντες δὲ τῶν συνωμοτῶν . . οὗτοι δὲ φυλάρχους τε ἐπὶ τὰς φυλακὰς κατέστησαν καὶ ὅ τι δέοι χειροτονεῖσθαι καὶ οὐστινας χρείη ἄρχειν παρήγγελλον καὶ εἴ τι ἄλλο πράττειν βούλοιντο κύριοι ἦσαν, κ. τ. λ.*

2) See above, §. 124, n. 16, and the decree of Patroclides ap. Andoc. de Myster. c. 73—79, with the remarks of Meier in the Rhein. Mus. ii. p. 272—276, and of Boeckh in the Ind. Lectt. hib. 1828—29. p 6—9; comp. Lysias de affect. tyrann. c. 27.

3) Xenoph. Hell. ii. 2. 16, sqq.; Lysias adv. Eratosth. c. 68, sqq.; adv. Agorat. c. 9, sqq.

4) See Lysias adv. Eratosth. c. 73; Schol. Aristoph. Vesp. v. 157.

5) See Xenoph. Hell. ii. 3. 2; Plut. Vit. Lysand. c. 15, and, on the subject at large, Taylor's Vita Lysiæ, t. ii. p. 129, sqq., Rsk,; P. ten Brink de Athenis sub xxx. viris, (Groningæ, 1829); Meier de bonis, p.

p. 184—190; Wachsm. i. 2. p. 246—252; and on their (un-attic) designation as *τύραννοι* in particular, Ebert's Diss. Sicc. p. 62; comp. Diodor. xiv. 3: *ἁρμόζοντες μὲν τῷ λόγῳ, τύραννοι δὲ τοῖς πράγμασιν.*

6) Lysias adv. Agorat. c. 74; adv. Eratosth. c. 42; but comp. ibid. de affect. tyrann. c. 9: *πολλοὶ δὲ τῶν τετρακοσίων μετὰ τῶν ἐκ Πειραιῶς συγκατῆλθον, ἔνιοι δὲ τῶν ἐκείνους ἐκβαλόντων* (Theramenes) *αὐτοὶ αὐτῶν τῶν τριάκοντα ἐγένοντο.*—On the election itself, see ibid. adv. Eratosth. c. 76: *δέκα μὲν οὖς Θηραμένης ἀπέδειξε, δέκα δὲ οὓς οἱ καθεστηκότες ἔφοροι κελεύοιεν, δέκα δ' ἐκ τῶν παρόντων.*

7) See Xenoph. ii. 3. 11, and on the Council in particular, Lysias adv. Eratosth. c. 48; adv. Agorat. c. 35—38.

8) Xenoph. ii. 4. 1.

9) Xenoph. ii. 3. 19; comp. Lysias adv. Nicom. c. 8. Exclusively, however, of the *ἱππεῖς* (Xenoph. iii. 1. 4; Lysias adv. Mantith. c. 6; adv. Evandr. c. 10), comp. ii. 4. 2.

10) Id. ii. 3. 51: *ἔτι δὲ ἐν τοῖς καινοῖς νόμοις, τῶν μὲν ἐν τοῖς τρισχιλίοις ὄντων μηδένα ἀποθνήσκειν ἄνευ τῆς ὑμετέρας ψήφου· τῶν δ' ἔξω τοῦ καταλόγου κυρίους εἶναι τοὺς Λ θανατοῦν.*

11) On this point see Lysias adv. Eratosth. passim, but especially, c. 7: *ἀποκτιννύναι μὲν γὰρ ἀνθρώπους περὶ οὐδενὸς ἡγοῦντο, λαμβάνειν δὲ χρήματα περὶ πολλοῦ ἐποιοῦντο*: c. 17: *τὸ ἐπ' ἐκείνων εἰθισμένον παράγγελμα, πίνειν κώνειον, πρὶν τὴν αἰτίαν εἰπεῖν, δι' ἣν ἔμελλεν ἀποθανεῖσθαι*: c. 96: *οἱ τοὺς μὲν ἐκ τῆς ἀγορᾶς, τοὺς δ' ἐκ τῶν ἱερῶν συναρπάζοντες βιαίως ἀπέκτειναν . . καὶ οὐδὲ ταφῆς τῆς νομιζομένης εἴασαν τυχεῖν, κ. τ. λ.*; also Xenoph. Hellen. ii. 3. 21: *πολλοὺς μὲν ἔχθρας ἕνεκα ἀπέκτειναν, πολλοὺς δὲ χρημάτων· ἔδοξε δ' αὐτοῖς, ὅπως ἔχοιεν καὶ τοῖς φρουροῖς χρήματα διδόναι, καὶ τῶν μετοίκων, ἕνα ἕκαστον λαβεῖν καὶ αὐτοὺς μὲν ἀποκτεῖναι, τὰ δὲ χρήματα ἀποσημήνασθαι*: ii. 4. 21; Plat. Apol. Socr. p. 32. C; Epist. vii. p. 324. E; Demosth. adv. Androt. p. 609. 7; Isocr. Paneg. c. 32, etc. The number of their victims is variously given from 1300 to 1500; see Isocr. Areop. p. 362; adv. Lochit. p. 950; Seneca de Tranqu. c. 3; comp. Clinton's Fasti, ii. p. 425.

12) Lysias de affect. tyrann. c. 22: *τοὺς μὲν τρισχιλίους στασιάζοντας ἐκ τοῦ ἄστεος, τοὺς δὲ ἄλλους πολίτας ἐκκεκηρυγμένους, τοὺς δὲ τριάκοντα μὴ τὴν αὐτὴν γνώμην ἔχοντας, κ. τ. λ.*

13) On the history of this man at large, see Philostrati Vitt. Sophistarum, i. 16. prefixed to N. Bach's Critiæ Carminum quæ supersunt, (Lips. 1827), and a further account in Hinrichs, l. l. p. 33—38, and E. G. Weber, Diss. de Critia tyranno, (Francof. ad Mœn. 1824.)

14) See Xenoph. Hellen. ii. 3. 15—56; Diodor. xiv. 4, 5.

§. 169. But, before long, a band of exiled democrats, headed by Thrasybulus, Archinus, and Anytus[1], and secretly supported by a party in Thebes, seizing on the castle called Phyle, made it the head quarters of their party. They soon became masters of the Munychia and Piræus, and defeated the Thirty in an en-

gagement in which Critias was slain. His death was the ruin of his party[2]. The others withdrew to Eleusis on which they had previously seized[3]; they were at first indeed succeeded only by ten other oligarchs[4], supported by Lysander, who seemed likely to pursue the same course; but the jealousy entertained by the Spartan monarch Pausanias against Lysander, gave occasion to an arrangement which ended in the triumph of the democratical party[5], and the proclaiming of an amnesty from which only the Thirty, with their abettors the Eleven, and the Ten who had attempted to pursue the same course in the Piræus, were personally excluded[6]. This amnesty extended even to all illegal acts committed during the preceding convulsions[7], forbidding all prosecution for the same; with the Archonship of Euclides, (Ol. xciv. 2, B. C. 403,) a new æra was to begin[8], the disorderly Democracy was to be replaced by Solon's system in its original purity, with only such modifications as were required by the times, and should be decided on by a select commission of legislation; and finally, the Areopagus was to be again restored to the supremacy[9] it enjoyed under that legislator.

1) Comp. Xenoph. Hellen. ii. 3. 44; Isocr. adv. Callim. p. 898, and concerning Anytus, (who afterwards accused Socrates), see in particular, Lysias adv. Agorat. c. 78; Platon. Menon. p. 90. A, and more in Ducker ad Petiti Legg. p. 427, and Fréret in the Mém de l'Acad. des Inscr. xlvii. p. 212, sqq.; on Archinus, Æschin. de Falsa Legat. c. 52, adv. Ctesiph. c. 61; Plutarch. de glor. Athen. c. 1 and 8; Aristid. Leuctr. ii. p. 661. t. i. Dind., and more in Ruhnk. Hist. orat. gr. p. xlii; Wachsmuth, i. 2. p. 278. Demosthenes adv. Timocr. p. 742, calls his son Myronides; may he himself not have been the son of the old general of that name, see §. 158. n. 6.

2) Xenoph. Hell. ii. 4; Cornel. Nep. Vit. Thrasyb. c. 1—3; Diodor. xiv. 32; Justin. v. 9; Pausan. i. 29. 3; ix. 17. 4.

3) Xenoph. ii. 4. 8; comp. Lysias adv. Agorat. c. 44; adv. Eratosth. c. 52; and on Salamis (Leon, s. Plat. Apol. Socr. p. 32. C.; Xenoph. Hell. ii. 3. 39; Andoc. de Myster. c. 24.)

4) Xenoph. ii. 4. 24; comp. Lysias de affect. tyr. c. 14; in Eratosth. c. 54: *οἱ δὲ εἰς τὸ ἄστυ ἐλθόντες τοὺς μὲν Λ ἐξέβαλον πλὴν Φείδωνος καὶ Ἐρατοσθένους, ἄρχοντας δὲ τοὺς ἐκείνοις ἐχθίστους εἵλοντο, ἡγοῦ-*

μενοι δικαίως ἂν ὑπὸ τῶν αὐτῶν τούς τε Λ μισεῖσθαι καὶ τοὺς ἐν Πειραιεῖ φιλεῖσθαι . . οἳ δυκοῦντες εἶναι ἐναντιώτατοι Χαρικλεῖ (Aristot. Pol. v. 5. 4.) καὶ Κριτίᾳ καὶ τῇ ἐκείνων ἑταιρείᾳ, ἐπειδὴ αὐτοὺς εἰς τὴν ἀρχὴν κατέστησαν, πολὺ μείζω στάσιν καὶ πολέμον ἐπὶ τοὺς ἐν Πειραιεῖ ἢ τοῖς ἐξ ἄστεος ἐποίησαν, κ. τ. λ. They were also called δεκαδοῦχοι, according to Harpocr. p. 75.

5) See Lysias adv. Agorat. c. 80, and Wachsmuth, i 2. p. 267, sqq.

6) Xenoph. ii. 4. 38; compare the oath cited in Andoc. de Myster. c. 90: καὶ οὐ μνησικακήσω τῶν πολιτῶν οὐδενί (see Markland ad Lysiam. p. 864, Rsk., with the commentt. on Aristoph. Plut. 1147; and Hinrichs, l. l. p. 66), πλὴν τῶν τριάκοντα καὶ τῶν ἕνδεκα (καὶ τῶν δέκα, comp. Sluiteri Lectt. p. 136), οὐδὲ τούτων ὃς ἂν ἐθέλῃ εὐθύνας διδόναι τῆς ἀρχῆς ἧς ἦρξεν. Boecler's Thrasybulus pacificator, s. de Amnestia, (Argent. 1642, and in his Diss. t. i. p. 437—474), is a worthless production.—The Thirty, being forbidden access to most of the cities of Greece, (ἐξεκηρύχθησαν, Lysias in Eratosth. c. 35), fell eventually into the hands of the Athenians, Xenoph. l. l. §. 43, but their children were included in the amnesty, see Demosth. adv. Bœt. p. 1018. 4.

7) Andoc. l. l. c. 89: τὰς μὲν δίκας, ὦ ἄνδρες, καὶ τὰς διαίτας ἐποιήσατε κυρίας εἶναι, ὁπόσαι ἐν δημοκρατουμένῃ τῇ πόλει ἐγένοντο, (but ὁπόσα ἐπὶ τῶν Λ ἐπράχθη, ἢ δίκη ἐδικάσθη, ἢ ἴδιᾳ ἢ δημοσίᾳ, ἄκυρα εἶναι, Demosth. adv. Timocr. p. 718. 13), ὅπως μήτε χρεῶν ἀποκοπαὶ εἶεν, (§. 63. n. 1), μήτε δίκαι ἀνάδικοι γίγνοιντο, (§. 145. n. 3), ἀλλὰ τῶν ἰδίων συμβολαίων αἱ πράξεις εἶεν· τῶν δὲ δημοσίων ὁπόσοις ἢ γραφαί εἰσιν ἢ φάσεις ἢ ἐνδείξεις ἢ ἀπαγωγαί, τούτων ἕνεκα τοῖς νόμοις ἐψηφίσασθε χρῆσθαι ἀπ' Εὐκλείδου ἄρχοντος: compare above, §. 118. n. 8, but, see at the same time the remarks in Platner's Beitr. p. xxvii. To this we must refer in particular the παραγραφή, (§. 141. n. 5), ἐάν τις δικάζηται παρὰ τοὺς ὅρκους, Isocr. adv. Callim. init., the vagueness of which oaths, as Platner has remarked, (Proc. u. Kl. i. p. 149—158), soon gave occasion anew to chicanery. Compare Lysias adv. Agorat. 6. 89, and particularly de affect tyrann. c. 28.

8) Comp. Wolf. ad Leptin. p. cxxviii. and in particular, Plut. Vit. Aristid. c. 1: ἡ μετ' Εὐκλείδην γραμματική: also, Spanheim de usu et præst. Numism. t. i. p. 85; Fischer ad Well. Gr. gr. t. i. p. 13; Thiersch in Acta. Philoll. Monacc. ii. 3. p. 409; Rose Inscr. gr. antiqu. p. xvi. and more in Marx. ad Eph. Fragm. p. 241.

9) Andoc. l. l. c. 83: Ἔδοξε τῷ δήμῳ, Τισαμενὸς εἶπε· πολιτεύεσθαι Ἀθηναίους κατὰ τὰ πάτρια, νόμοις δὲ χρῆσθαι τοῖς Σόλωνος καὶ μέτροις καὶ σταθμοῖς, χρῆσθαι δὲ καὶ τοῖς Δράκοντος θεσμοῖς, οἱσπερ ἐχρώμεθα ἐν τῷ πρόσθεν χρόνῳ, (§. 104. n. 2)· ὁπόσων δ' ἂν προσδέῃ, οἱ (vulg. οἵδε) ᾑρημένοι νομοθέται ὑπὸ τῆς βουλῆς ἀναγράφοντες ἐν σανίσιν ἐκτιθέντων πρὸς τοὺς ἐπωνύμους . . τοὺς δὲ παραδιδομένους, νόμους δοκιμασάτω πρότερον ἡ βουλὴ καὶ οἱ νομοθέται οἱ Φ, οὓς οἱ δημόται ἕλοντο, ἐπειδὴ ὁμωμόκασιν· ἐξεῖναι δὲ καὶ ἰδιώτῃ τῷ βουλομένῳ εἰσιόντι εἰς τὴν βουλὴν συμβουλεύειν ὅ τι ἂν ἀγαθὸν ἔχῃ, ἐπειδὰν δὲ τεθῶσιν οἱ νόμοι, ἐπιμελείσθω ἡ βουλὴ ἡ ἐξ Ἀρείου πάγου τῶν νόμων, ὅπως ἂν αἱ ἀρχαὶ τοῖς κειμένοις νόμοις χρῶνται. On the Areopagus, see above, §. 109, and compare Æschin. adv. Timarch. c. 37; but that aristocratical principles had really revived, (Platner's Beitr. p. 86,) is by no means clear; comp. Hefftter's Gerichtsv. p. 20. On the manner in which the new code was drawn up, see the speech of Lysias against Nicomachus.—What was the relation of the law of Diocles mentioned in

Demosth. ad Timocr. p. 713. 20: *τοὺς νόμους τοὺς πρὸ Εὐκλείδου τεθέντας ἐν δημοκρατίᾳ, καὶ ὅσοι ἐπ' Εὐκλείδου ἐτέθησαν, κυρίους εἶναι, κ. τ. λ.* to that of Tisamenus? Compare Petiti Legg. p. 194, and Meier de bonis, p. 71.

§. 170. The foreign relations of Athens at the close of the Peloponnesian war, were in a still more desperate condition[1]: without allies, without forts, without fleet or treasure[2], there was no possibility of freeing itself from its stipulated dependence on Lacedæmon[3], until the opportunity which was afforded, B. C. 394, by the open rupture between that state and Thebes, (see §. 40.) The noble Conon, after his victory at Cnidus, rebuilt her walls with Persian treasure[4]; Iphicrates invented a new system of tactics[5] for the mercenaries, whom Athens now began to employ; and although she was obliged to relinquish the conquests of that general and Thrasybulus[6], at the peace of Antalcidas, owing to the offence the great king had taken at her support of the Cyprian revolters[7], still by the articles of that peace Athens alone of all the Greek states was allowed to retain Lemnos, Imbros, and Scyros, (see §. 41), as foreign settlements. She next proceeded, B. C. 376, to form a new alliance with Byzantium, Chios, Rhodes, Mitylene, and other islands[8], by whose aid she succeeded, after the victories of Chabrias and Timotheus[9], in obtaining once more, even from Lacedæmon, a recognition of her dominion of the seas, at the peace of Callias[10], which was concluded B. C. 372. In fact, from this time forth the policy of Athens was more friendly to Sparta; the Bœotian party, although consisting of the restorers of the democracy or their descendants[11], and such orators as Cephalus[12] and Aristophon[13], now that there was no oligarchy to be dreaded[14], found it more difficult than formerly to overcome the influence of deep-rooted border hatred[15], from the circumstance that the growing power of Thebes, and in particular

the recent destruction of Platæa[16], excited the jealousy of the Athenians at the same time that their vanity was flattered by seeing Lacedæmon court their aid[17]. Although it could form no part of the policy of Athens to contribute to uphold the supremacy of that state, still she sought, with a prudent sparingness of her strength, to maintain an equilibrium between it and Thebes, and when the result of the battle of Mantinea, B. C. 362, had affected this object, Athens appeared once more as the first state of Greece[18], zealously intent on checking the rise of any other, however little the internal situation of her affairs could warrant her in hoping to carry on this system with success.

1) Lysias adv. Agorat. c. 46: *ἔτι δὲ τὰ τείχη ὡς κατεσκάφη καὶ αἱ νῆες τοῖς πολεμίοις παρεδόθησαν καὶ τὰ νεώρια καθῃρέθη . . . καὶ ἡ δύναμις ἅπασα τῆς πόλεως παρελύθη, ὥστε μηδὲν διαφέρειν τῆς ἐλαχίστης πόλεως τὴν πόλιν.* Compare Xenoph. Hell. ii. 2. 20; Demosth. pro Cor. p. 258. 8; Diodor. xiii. 107; Plut. Lysand. c. 14.

2) Lysias adv. Nicomach. c. 22. On the debt of 100 talents due to Lacedæmon, see Demosth. Leptin. c. 10, with Wolf's remarks, p. 227.

3) *Τὸν αὐτὸν ἐχθρὸν καὶ φίλον νομίζοντας Λακεδαιμονίοις ἕπεσθαι καὶ κατὰ γῆν καὶ κατὰ θάλασσαν ὅποι ἂν ἡγῶνται,* Xenoph. l. l.; compare above, §. 40. n. 5.

4) See above, §. 40. n. 9, and more in Wolf ad Demosth. Lept. p. 286, and Wachsm. i. 2. p. 235, particularly Xenoph. Hell. iv. 8. 10—16, and his life by Corn. Nepos, whose assertion that he did not die in captivity in Persia, is confirmed by Lysias de Aristoph. bonis. c. 39—41. Pausanias saw his tomb extant in his time in the Ceramicus.

5) See above, §. 30. n. 10—12.

6) Xenoph. iv. 8. 25—30. At Byzantium the *δεκάτη* (§. 167. n. 10) was re-established; comp. Demosth. Lept. c. 48.

7) See Xenoph. ibid. §. 24 (coll. Lys. de Aristoph. bon. c. 20 and 43; and Meier de bonis, p. 194), also v. l. 10, and on the chronology and events of the Cyprian war in general (B. C. 387—378? Diodor. xv. 2—9) Spohn, de anno ed. Panegyrici Isocratis, prefixed to his edition of the same (Lips. 1817), p. xxxii—xxxviii; Clinton's Fasti, p. 278—281, and P. J. Leloup, in the preface to his edition of Isocratis Evagoras (Mogunt. 1828).—This war must be carefully distinguished from that which occured B. C. 350; see Diod. xvi. 42 and 46, and compare Winiewski Comm. ad Demosth. de Corona, p. 64.

8) Diodor. xv. 28: . . *ἐτάχθη δ' ἀπὸ τῆς κοινῆς γνώμης, τὸ μὲν συν-*

ἕδριον ἐν ταῖς Ἀθήναις συνεδρεύειν, πόλιν δὲ ἐπ' ἴσης καὶ μεγάλην καὶ μικρὰν μιᾶς ψήφου κυρίαν εἶναι (see, for instance, Xenoph. Hell. vi. 3. 19)· πάσας δ' ὑπάρχειν αὐτονόμους ἡγεμόσι χρωμένας Ἀθηναίοις. The number of confederate cities was seventy-five (Æschin. de F. L. c. 20; according to Diodor. xv. 30, seventy-six). Compare at large, Boeckh's Publ. Œcon. ii. p. 157, sqq.

9) Of Chabrias over Pollis off Naxos, B. C. 376; Xenoph. v. 4. 61; Diodor. xv. 34; Plut. Vit. Camill. c. 19; Vit. Phocion. c. 6; de gloria Ath. c. 7. Of Timotheus over Nicolochus off Corcyra, Xenoph. l. l. §. 65; see also Dinarch. adv. Demosth. c. 75, and concerning Chabrias, besides the life in Cornel. Nepos., Demosth. Leptin. c. 61—64, with Wolf's note, p. 293. On Timotheus, see Isocr. περὶ ἀντιδ. p. 66—76, Orell., and below, §. 172. n. 11.

10) Compare above, §. 41. n. 16—18, and on Callias the Daduchus (Xenoph. vi. 3. 3), see Clavier sur la famille de Callias in the Mém. de l'Inst. Hist. iii. p. 129—165; Boeckh's Publ. Œcon. ii. p. 244, and the authorities cited by M. Runkel ad Eupol. Fragm. p. 133.—Callistratus was the chief orator of the time, see Wachsm. i. 2. p. 281, and below, §. 172. n. 10.

11) Οἱ βοιωτιάζοντες, see Xenoph. Hell. v. 4. 34; Plut. Vit. Pelop. c. 14; and particularly de dæm. Socr. c. 1: ὁδὶ μέν ἐστιν ἀδελφιδοῦς Θρασυβούλου Λυσιθείδης· ὁδὶ δὲ Τιμόθεος Κόνωνος υἱὸς· οὗτοι δ' Ἀρχίνου παῖδες, οἱ δ' ἄλλοι τῆς ἑταιρίας τῆς ἡμετέρας πάντες.

12) See Dinarch. c. Demosth. c. 38; also c. 76; and more in Ruhnk. hist. or. gr. p. xli; Bremi ad Æschin. adv. Ctesiph. c. 64; and Wachsm. i. 2. p. 280.

13) See Æschin. ibid. c. 43: Ἀριστοφῶν ὁ Ἀζηνιεὺς, πλεῖστον χρόνον τὴν τοῦ βοιωτιάζειν ὑπομείνας αἰτίαν, and Periz. ad Æl. xiv. 3; Ruhnk. l. l. p. xlv; Wolf ad Leptin. p. 367; Wachsmuth, i. 2. p. 279 and 448.

14) See Wachsmuth, i. 2. p. 277 and 352.—In allusions such as that in Demosth. de Rhod. libert. p. 200. 15: χρὴ τοίνυν καὶ τοὺς τὴν ὑπὸ τῶν προγόνων τάξιν ἐν τῇ πολιτείᾳ παραδεδομένην λείποντας καὶ πολιτευομένους ὀλιγαρχικῶς ἀτίμους τοῦ συμβουλεύειν ὑμῖν ποιεῖσθαι, nothing more was aimed at than the casting discredit on the parties alluded to.

15) See Demosth. de Symmor. p. 187. 16; adv. Leptin. c. 90; and Voemel ad Demosth. Olynth. i. p. 62.

16) Diod. xv. 46, compare above, §. 117. n. 2, 3; and Demosth. pro Cor. p. 231. 3: οὐκ ἀλόγως οὐδ' ἀδίκως αὐτοῖς ὀργιζόμενοι, οἷς γὰρ εὐτυχήκεσαν ἐν Λεύκτροις, οὐ μετρίως ἐχρήσαντο, comp. Isocr. ad Philipp. p. 220; also the declamations of Aristides on this subject, t. i. p. 610, sqq. Dind.

17) Xenoph. Hell. vi. 5. 33, sqq.; Diodor. xv. 63; comp. Isocr. Areop. p. 362: πρέσβεις ἐλθόντας παρ' αὐτῶν καὶ διδόντας τῇ πόλει τὴν ἀρχὴν τῆς θαλάσσης; Demosth. pro Cor. p. 258.

18) Demosth. Olynth. iii. p. 36. 5: Λακεδαιμονίων μὲν ἀπολωλότων, Θηβαίων δ' ἀσχόλων ὄντων, τῶν δ' ἄλλων οὐδενὸς ὄντος ἀξιόχρεω περὶ τῶν πρωτείων ὑμῖν ἀντιτάξασθαι: comp. de Syntax. p. 168. 13: νυνὶ δὲ πρωτεύειν μὲν ἀξιοῦτε καὶ τὰ δίκαια ὁρίζειν ἄλλοις; also de Rhod. libert. p. 199. 21: κοινοὶ προστάται τῆς ἁπάντων ἐλευθερίας,

but particularly the oration, pro Megalopolitanis (Ol. cvii. 1., 352. B. C.; Diod. xvi. 37), and adv. Aristocr. p. 654. 12: *συμφέρει τῇ πόλει, μήτε Θηβαίους μήτε Λακεδαιμονίους ἰσχύειν, ἀλλὰ τοῖς μὲν Φωκέας ἀντιπάλους τοῖς δ' ἄλλους τινὰς εἶναι· ἐκ γὰρ τοῦ ταῦθ' οὕτως ἔχειν ὑμῖν ὑπάρξει μεγίστοις οὖσιν ἀσφαλῶς οἰκεῖν.*

§. 171. The Democracy, for instance, far from having regained its original purity, had made, as was soon evident, only one step more towards ruin[1]. The influence of the orators increased daily, and with it increased the folly of the people[2]; whilst, at the same time, the public officers in general, and particularly the generals and ambassadors[3], made greater pretensions to authority and importance. The checks which were supposed to exist on the first in the *γραφὴ παρανόμων*, and the responsibility which left the latter at the mercy of sycophants[4], were wholly ineffectual to protect the state from the effects of their treachery or interested views[5], since the rapacity of the populace afforded a ready means of swaying it to their purposes[6]. The public property and funds began anew to be squandered for the private gratification of the Demos[7]. As early as B. C. 396, Agyrrhius[8], though he diminished the pay of the actors[9], increased the ecclesiasts' fee to three obols. The Theoricon was a branch of expenditure which originated, it is true, with Pericles, serving in his time merely as a means of refunding to the poorer classes the two obols which certain police regulations had made it advisable to exact for seats in the theatre[10]; this largess however having been extended to other festivals, and increased to an immense amount by the frequent occurrence of holidays[11], on which sacrifices and other amusements were held, the entire finances of the state were engrossed by it; especially after the law introduced by Eubulus of Anaphlystus[12] had assigned the superfluous receipt of every other branch of the revenue to this one

purpose, and denounced the penalty of death against any person who should propose an alteration of this arrangement[13]; so that Demosthenes did not succeed[14] till after the battle of Chæronea in restoring these surplus funds to the military chest, to which by the ancient laws they belonged. This misapplication of the revenue had, above everything else, a most pernicious effect on the foreign relations of Athens; for the citizens, left all military service to be performed by mercenaries[15], and these again, being always badly and irregularly paid, either pillaged the very allies whom they were sent to protect, or engaged in expeditions on their own score; the latter was particularly the case whenever they were headed by interested commanders, such as Chares[17] and Charidemus[18]. The Athenians, meantime, in the midst of revelry and the idle pursuit of novelty at home[19], exhausted their ingenuity in framing resolutions and decrees[20] which they never proceeded to execute.

1) See Lysias de affect. tyrann. c. 29, sqq.; Æschin. de Falsa Legat. c. 52, and more in Wachsm. i. 2. p. 269—283.

2) Æschin. adv. Ctesiph. c. 85: *ὁ δὲ δῆμος ὥσπερ παραγεγηρακὼς ἢ παρανοίας ἐαλωκὼς αὐτὸ μόνον τοὔνομα τῆς δημοκρατίας περιποιεῖται, τῶν δ' ἔργων ἑτέροις παρακεχώρηκε.* Demosth. Olynth. iii. p. 37. 3: *κύριοι μὲν τῶν ἀγαθῶν οἱ πολιτευόμενοι καὶ διὰ τούτων ἅπαντα πράττεται· ὑμεῖς δ' ὁ δῆμος ἐν ὑπηρέτου καὶ προσθήκης μέρει γεγένησθε, ἀγαπῶντες ἐὰν μεταδιδῶσι θεωρικῶν ὑμῖν ἢ βοΐδια πέμψωσιν οὗτοι*: compare also de Corona Trierarch. p. 1232—1234, and adv. Androt. p. 605. 3: *οἱ ἐθάδες καὶ συνεστηκότες ῥήτορες.*

3) Demosth. Olynth. ii. p. 26. 23: *πρότερον μὲν γὰρ εἰσεφέρετε κατὰ συμμορίας, νυνὶ δὲ πολιτεύεσθε κατὰ συμμορίας, ῥήτωρ ἡγεμὼν ἑκατέρων καὶ στρατηγὸς ὑπὸ τούτῳ καὶ οἱ βοηθησόμενοι οἱ τριακόσιοι, οἱ δ' ἄλλοι προσνενέμησθε οἱ μὲν ὡς τούτους οἱ δ' ὡς ἐκείνους.* Compare adv. Aristocr. p. 686, and Æschin. adv. Ctesiph. c. 57—62. On the profusion in which public distinctions (*ὦρεαὶ*) were bestowed, particularly those of garlands, and maintenance in the Prytaneum, and on the increasing importance of the generals in particular, see above, §. 153. n. 11; and also Lysias adv. Alcibiad. i. c. 21: *ἐὰν δέ τινες τῶν ἀρχόντων βοηθῶσιν αὐτῷ ἐπίδειξιν μὲν τῆς ἑαυτῶν δυνάμεως ποιούμενοι, κ. τ. λ.*, and Demosth. Proœm. p. 1448. 20.

4) See §. 132. n. 1, 2; §. 154. n. 7. Compare, for instance, Demosth. Philipp. i. p. 53. 26: *νῦν δ' εἰς τοῦθ' ἥκει τὰ πράγματα αἰσχύνης, ὥστε*

τῶν στρατηγῶν ἕκαστος δὶς καὶ τρὶς κρίνεται παρ' ὑμῖν περὶ θανάτου, κ. τ. λ. On the system of sycophancy, see above, §. 163. n. 9, 10.

5) Demosth. adv. Timocr. p. 744. 24: οἱ παρ' ὑμῖν ῥήτορες . . . ὅσοι μῆνες μικροῦ δέουσι νομοθετεῖν τὰ αὐτοῖς συμφέροντα: compare Lysias pro Polystr. c. 17: βοηθοῦσι τῷ μὲν ὀνόματι ὑμῖν, τῷ δὲ ἔργῳ σφίσιν αὐτοῖς.

6) Demosth. adv. Aristocr. p. 653. 27: ἤδη δέ τινα εἶδον γραφὴν ἀγωνιζόμενον παρανόμων, τοῖς νόμοις μὲν ἁλισκόμενον, ὡς δὲ συμφέρονθ' ὑμῖν γέγραφε λέγειν ἐπιχειροῦντα: comp. Olynth. iii. p. 34. 24: ἐξ οὗ δ' οἱ διερωτῶντες ὑμᾶς οὗτοι πεφήνασι ῥήτορες· τί βούλεσθε; τί γράφω; τί ὑμῖν χαρίσωμαι; προπέποται τῆς παραυτίκα ἡδονῆς καὶ χαριτος τὰ τῆς πόλεως πράγματα. The same sentiments had been expressed long before by Aristoph. Equ. 1363.

7) See Isocr. Panath. p. 622: ἐκ τῶν κοινῶν ταῖς ἰδίαις ἀπορίαις βοηθεῖν ζητοῦντες: Aristoph. Eccles. v. 206: τὰ δημόσια γὰρ μισθοφοροῦντες χρήματα Ἰδίᾳ σκοπεῖσθ' ἅπαντες ὅ τί τις κερδανεῖ: Æschin. adv. Ctesiph. c. 85: ἀπέρχεσθε ἐκ τῶν ἐκκλησιῶν οὐ βουλευσάμενοι. ἀλλ' ὥσπερ ἐκ τῶν ἐράνων τὰ περιόντα νειμάμενοι, and the anecdote of Demades in Plut. Reip. ger. præc. c. 25.

8) See §. 128. n. 12, and more, on the subject at large, in Meursius, Lectt. Att. vi. 4, the commentt. on Aristoph. Plut. 176; Sluiteri Lectt. Andoc. p. 96; Boeckh's Publ. Œcon. i. p. 294—298.

9) Schol. Aristoph. Eccl. 102: τὸν μισθὸν τῶν ποιητῶν συνέτεμε: comp. Ran. 375, and Boeckh, i. p. 258; and, on the decay of the older comedy at this period, in general, see Wachsm. i. 2. p. 441—444; also Clinton's F. H. p. l—lv.; F. Ritter de Aristophanis Pluto (Bonn, 1828,) p. 34—46.

10) See Ulpian. ad Demosth. Olynth. i. p. 13. A.; and more in Meurs. l. l. v. 12; Petit, p. 475—478; Att. Museum, iv. 2. p. 46, sqq.; Hemst. ad Luc. Tim. c. 49; Siebel. ad Philoch. Fragm. p. 71; Boeckh's Publ. Œcon. i. p. 304, sqq.

11) See Isocr. Areop. p. 344: τὰς μὲν ἐπιθέτους ἑορτὰς οἷς ἑστίασίς τις προσείη, μεγαλοπρεπῶς ἦγον, ἐν δὲ τοῖς ἁγιωτάτοις τῶν ἱερῶν ἀπὸ μισθωμάτων ἔθυον, and more in Boeckh's Publ. Œcon. i. p. 282; Lysias, adv. Nicom. c. 17, sqq., very evidently throws the blame on this reviser of the code after Euclides. These feasts were also defrayed out of the Theoricon; it appears from Isæus, de Astyphil. c. 21, that they took place in each Demi, as also the distribution of the Theoricon itself, according to Demosth. adv. Leochar. p. 1091. 24; comp. Meier de bonis, p. 79, against Herald. Obss. ad J. A. et R. vi. 3. p. 415; and the Ind. Lectt. Berol. hib. 1819, 20. p. 6.

12) Theopomp. ap. Harpocr. p. 130: Δημαγωγὸς ἦν ἐπιφανέστατος, ἐπιμελὴς καὶ φιλόπονος, ἀργύριόν τε συχνὸν πορίζων τοῖς Ἀθηναίοις διένειμε· διὸ καὶ τὴν πόλιν ἐπὶ τῆς τούτου πολιτείας ἀνανδροτάτην καὶ ῥᾳθυμοτάτην συνέβη γενέσθαι: comp. Plut. Reip. ger. præc. c. 15, and see more on the subject at large, in Ruhnk. hist. crit. orat. gr. p. 65—68; Boeckh's Publ. Œcon. i. p. 300; Wachsm. i. 2. p. 366.

13) See above, §. 151. n. 16—18, and more in the Lexicogr. s. v., and Libanius Arg. Olynth. i. p. 8. 25; compare Demosth. F. L. p. 434. 26: τὰ θεωρικὰ στρατιωτικὰ ποιεῖν. See also the picture drawn by Justin, vi. 9.

14) Philochorus ap. Dionys. Hal. ad Ammæum, c. 11. t. vi. p. 742. 7, Rsk.: (Ol. cx. 2) *τὰ δὲ χρήματ' ἐψηφίσαντο πάντ' εἶναι στρατιωτικά.*

15) Demosth. Philipp. i. p. 46. 25: *ἐξ οὗ δ' αὐτὰ καθ' αὑτὰ τὰ ζενικὰ ὑμῖν στρατεύεται, τοὺς φίλους νικᾷ καὶ τοὺς ξυμμάχους, οἱ δ' ἐχθροὶ μείζους τοῦ δέοντος γεγόνασι*: comp. de Cherson. p. 95, sq.; de Syntax. p. 168. 1; Plut. Vit. Phoc. c. 11; Isocr. de Pace, c. 14. p. 398, and Meiners, Gesch. d. Ursprungs, etc. der Wissensch. ii. p. 611—614; Heeren's Res. Greece, p. 210, sq.; Drumann, Gesch. d. Verfalls, p. 644—666; Wachsm. i. 2. p. 309, sqq. *Ἐξεταστὰι τῶν ξένων*, Æschin. adv. Timarch. c. 46; comp. Boeckh's Publ. Œcon. i. p. 388; C. Inscr. i. p. 145.

16) See Demosth. Olynth. ii. p. 26. 7; adv. Aristocr. p. 665. 26, and above, §. 153. n. 9 and 10, on the inactivity of the Strategi in the city.

17) See Theopompus ap. Athen. xii. 43; Diodor. xv. 95, and more in Voemel, Prolegg. ad Demosth. Philipp. p. 60.

18) See Demosth. adv. Aristocr.; Theopompus ap. Athen. x. 47, and, on the subject at large, F. C. Rumpf de Charidemo Orita (Gissæ, 1815), and Winiewski Comm. ad Demosth. de Cor. p. 305—316.

19) See Demosth. de Syntax. p. 170. 22, and more in Wachsm. i. 2. p. 354, sq. Voemel, l. l. p. 56.

20) Demosth. adv. Epist. Phil. p. 156. 28: *ἡμεῖς δὲ οὐδὲν ποιοῦντες ἐνθάδε καθήμεθα, μέλλοντες ἀεὶ καὶ ψηφιζόμενοι καὶ πυνθανόμενοι κατὰ τὴν ἀγορὰν εἴ τι λέγεται νεώτερον*: conf. Philipp. i. p. 43. 9; de Syntax. p. 176. 3; de Rhod. libert. p. 191. 3, etc. So, before him, Aristoph. Eccles. v. 828: *ἐγῷδα τούτους χειροτονοῦντας μὲν ταχεῖς, ἅττ' ἂν δὲ δόξῃ, ταῦτα πάλιν ἀρνουμένους.*

§. 172. These evil effects became most fully apparent in the social war[1], B. C. 356—358, which again deprived Athens of a considerable portion of her dominions, and, far more than this, discovered all her weak points to her crafty enemy, Philip of Macedon. The islands in alliance with her at this period, had, from the very commencement of their coalition, B. C. 376, endeavoured to prevent a revival of her despotism[2], by expressly stipulating that they should neither receive cleruchies, nor be liable to the old system of tribute, but merely furnish moderate contributions, *συντάξεις*[3]. Athens, however, soon transgressed these bounds[4], and, as early as B. C. 366, Epaminondas attempted, not wholly without success, to transfer the supremacy to Thebes[5]. Eight years afterwards, B. C. 358, occurred the decisive revolt of Chios, Rhodes, Cos, and Byzantium[6]. Chabrias fell in his first at-

tempt on Chios[7], Timotheus and Iphicrates were deprived of their command by the intrigues of Chares[8], and the war terminated in the total loss of those possessions[9]. Athens had, however, gradually regained her footing in Eubœa[10] and some smaller islands, as also on the coast of Thrace, both in Chalcidice[11] and in the Chersonesus[12], and had formed alliances with various kings of the Bosphorus and Thrace: the former ensured an abundant supply of corn[13], and the latter increased her political importance in their quarter. It was by Philip, whose power she had at first despised, that she was again overthrown: it was that monarch's policy to lull the states on whom he had designs into inactivity, or influence them in his favour by tempting promises, until opportunities occurred for directing his restless arms against them with little or no risk[14]. Thus he gained the good will of the Athenians by promising them Amphipolis[15], until he found himself secure on the throne, and had established tranquillity within his own dominions. This done, he made use of the Olynthians to deprive the Athenians of Pydna, Torone, and other towns[16], and then, in the year B. C. 348, ruined the Olynthians themselves, who had so strongly provoked the hatred of the Athenians, that the latter could not be induced, till too late, to interfere in their behalf[17]. At the same time he threatened to deprive Athens of what power she still possessed by sea[18], and finally compelled her to conclude peace, B. C. 347[19], without having succeeded in protecting either her Thracian ally Kersobleptes, or the Phocians. Philip had for several years harassed the latter, conjointly with the Thebans and Thessalians, and now that the Thermopylæ lay open[20], he finally subdued them, and so gained a footing in Greece itself[21].

1) See Æschin. de Falsa Legat. c. 20, and more in C. L. Blum, Prolegg. ad Demosth. Orat. Timocr. (Berl. 1823), p. iv. sqq., and P. J. Leloup in the preface to his edition of Isocrates de Pace, s. Συμμαχικὸς (Mogunt. 1826), p. 53, sqq.

2) Diodor. xv. 29: ἐψηφίσαντο δὲ καὶ τὰς γενομένας κληρουχίας ἀποκαταστῆσαι τοῖς πρότερον κυρίοις γεγονόσι καὶ νόμον ἔθεντο μηδένα τῶν Ἀθηναίων γεωργεῖν (Platon. Euthyphr. p. 4. C), ἐκτὸς τῆς Ἀττικῆς. On the Cleruchi, in general, see above, §. 117. n. 4.

3) Comp. Leloup ad Isocr. l. l. p. 121, and Bergmann ad ejusd. Areop. c. 1. p. 71; but particularly, Harpocr. p. 279: ἔλεγε δὲ τοὺς φόρους συντάξεις, ἐπειδὴ χαλεπῶς ἔφερον οἱ Ἕλληνες τὸ τῶν φόρων ὄνομα, Καλλιστράτου οὕτω ὀνομάσαντος, ὥς φησι Θεόπομπος, and more, on the subject at large, in Spanheim ad Julian. i. p. 166, and Schæfer ad Dionys. de Compos. p. 363.

4) See Boeckh, Publ. Œcon. ii. p. 165, sqq., and on the re-establishment of the Cleruchiæ, especially in Samos, (Æschin. adv. Tim. c. 23; Diod. xviii. 8 and 18; Ol. cvii. 1, according to Boeckh, and Panofka res Samior. p. 97; according to others, as early as Ol. ciii. or civ.; comp. also Clinton's F. H. p. 132), see ibid. p. 460. Æschin. adv. Timarch. c. 44: ἦρξε δὲ ἐν Ἀνδρῳ . . . εὐπορίαν τῇ βδελυρίᾳ τῇ ἑαυτοῦ τοὺς συμμάχους τοὺς ὑμετέρους ποιούμενος, also bears on this point.

5) Diodor. xv. 78.

6) Demosth. de Rhod. libert. p. 191. 10; Diodor. xvi. 7.

7) Diodor. ibid.; Cornel. N. Vit. Chabr. c. 4.

8) Diodor. xvi. 21: ὁ μὲν Χάρης . . . διέβαλε τοὺς συνάρχοντας ὡς προδότας . . . οἱ δ' Ἀθηναῖοι παροξυνθέντες . . . ἐζημίωσαν αὐτοὺς πολλοῖς ταλάντοις καὶ τῆς στρατηγίας ἀπέστησαν. Isocrates is more accurate, π. ἀντιδ. p. 75: τὰς μὲν πράξεις Ἰφικράτους ἀναδεχομένου, τὸν δ' ὑπὲρ τῶν χρημάτων λόγον Μενεσθέως, τούτους μὲν ἀπέλυσε, Τιμόθεον δὲ τοσούτοις ἐζημίωσε χρήμασιν, ὅσοις οὐδένα πώποτε, see more in Wessel. ad Diodor. l. l., and Meier de bonis, p. 196.

9) Diodor. xvi. 22; comp. Demosth. de Rhod. libert. p. 198. 17: παρὰ τοὺς ὅρκους καὶ τὰς ξυνθήκας, ἐν αἷς αὐτονόμους εἶναι τὰς πόλεις γέγραπται, and Ulpian. ad Demosth. Olynth. iii. p. 36. 10, (which passage, however, does not strictly belong to this place), and de Pace, p. 63. 17. Only the smaller islands, which did not produce in all a revenue of above forty-five talents, adhered to Athens, Demosth. de Cor. p. 305. 15; comp. also Æschin. de F. L. c. 6: Ἀγλαοκρέοντα τὸν Τενέδιον, ὃν ἐκ τῶν συμμάχων εἵλεσθε.

10) See Demosth. de Cherson. p. 108. 12, and pro Cor. p. 259. 9: σφετεριζομένων Θηβαίων τὴν Εὔβοιαν οὐ περιείδετε, οὐδ' ὧν ὑπὸ Θεμίσωνος καὶ Θεοδώρου περὶ Ὠρωπὸν ἠδικήσθε (Ol. ciii. 3, B. C. 366, comp. Xenoph. Hell. vii. 4. 1; Diodor. xv. 76, and see a further account of the celebrated speech made by Callistratus on the occasion, in Ruhnk. Hist. orat. gr. p. lix.; Boeckh's Publ. Œcon. i. p. 306; Müller, Orch. p. 411; Niebuhr, kl. Schr. p. 121; Voemel. ad Demosth. Olynth. p. 10), ἀνεμνήσθητε, ἀλλ' ἐβοήθησατε καὶ τούτοις: Winiewski, p. 26—31, and on the date (Ol. cv. 3, B. C. 358), consult Diodor. xvi. 7; and particularly Æschin. de Falsa Legat. c. 49, and adv. Ctesiph. c. 26, also, on the second expedition under Phocion (Ol. cvi. 4), in behalf of Plutarch of Eretria, comp. Demosth. de Pace, p. 58. 7, and Weiske de Hyperb. iii. p. 36.

11) On the conquests of Timotheus (Torone, Potidæa, Methone, Pydna, etc., Ol. civ. 1), see Diodor. xv. 81; Periz. ad Ælian. Var. Hist. iii. 16; Boeckh's Publ. Œcon. i. p. 391, sq.; Voemel. Prolegg. ad Demosth. p. 68; and ad Olynth. ii. p. 22. 6, on his expedition against Olynthus, comp. Boeckh's Publ. Œcon. ii. p. 159.

12) Resigned after the death of Cotys, (who was in the possession of it as late as Ol. civ. 3, as appears from Demosth. adv. Polycl. p. 1207), by Kersobleptes and his brothers, about Ol. cv. 3; comp. Demosth. adv. Aristocr. passim; particularly p. 677—81, and Rumpf de Charidemo, p. 20, sq.; Winiewski, l. l. p. 193, sqq. Cleruchi were afterwards sent out there, Ol. cvi. 4: Diodor. xvi. 34; comp. Libanius Argum. ad Demosth. de Cherson. p. 88. 3.

13) Leucon in particular, see Demosth. Leptin. c. 25. p. 466. 21, sqq., and above, §. 78. n. 23; and particularly Boeckh's Publ. Œcon. i. p. 116.

14) See in particular, Demosth. Olynth. ii. p. 19, sq.; de Chersoneso, p. 105. 5; adv. Phil. epist. p. 153. 6, with the character drawn of him by Theopompus, in Polyb. viii. 11, and Justin. ix. 8; also see Pausan. viii. 7. 4: *ὅς γε καὶ ὅρκους θεῶν κατεπάτησεν ἀεὶ καὶ σπονδὰς ἐπὶ παντὶ ἐψεύσατο, πίστιν τε ἠτίμασε μάλιστα ἀνθρώπων*: and, on the history of this monarch at large, besides his life by Cl. M. Olivier (Paris, 1740), Th. Leland (London, 1761), and P. J. Vogel (Biographien grosser und berühmter Männer des Alterthums, Bd. ii. Nürnb. 1790), and the several editors of the Philippics of Demosthenes, namely Tourreil (Paris, 1701), Lucchesini (Rom. 1712), Jacobs (Leipz. 1805), Voemel (Francof. ad Moen. 1829), especially L. C. Valckenæri Oratio de Philippi Amyntiadæ indole, virtutibus rebusque gestis, causis externis fractæ Græcorum libertatis (Franek. 1760, and reprinted in T. Hemsterhusii et L. C. V. Orationes, (L. B. 1784), p. 225—282); Drumann's Gesch. des Verfalls der gr. St. p. 21—58; B. G. Weiske de Hyperbole errorum in historia Philippi commissorum genitrice, parts i—iii. (Lips. 1818, 1819); Wachsm. i. 2. p. 339—350.

15) On the subject of Amphipolis in general, see above, §. 86. n. 20; Diodor. xvi. 3: *θεωρῶν γὰρ τοὺς Ἀθηναίους ὑπὲρ τοῦ τὴν Ἀμφίπολιν ἀνακτήσασθαι τὴν πᾶσαν φιλοτιμίαν εἰσφερομένους καὶ διὰ τοῦτο κατάγοντας τὸν Ἀργαῖον ἐπὶ τὴν βασιλείαν, ἐκουσίως ἐξεχώρησε τῆς πόλεως, ἀφεὶς αὐτὴν αὐτόνομον*: compare Hegesipp. de Halonn. p. 83. 22; Demosth. adv. Aristocr. p. 660. 14; adv. Phil. Epist. p. 164. 15, and Voemel Prolegg. citt. p. 50—57; Winiewski, p. 37, sqq.

16) On the subject of Olynthus at large, see above, §. 81. n. 10; and here more particularly, Diodor. xvi. 8; coll. Demosth. Phil. ii. p. 70. 25, sqq.

17) See Diodor. xvi. 53, and Voemel, l. l. p. 101—108; Winiewski, p. 66—68.

18) Demosth. Philipp. i. p. 49. 25: *οὐχ ὥσπερ τὸν παρελθόντα χρόνον εἰς Λῆμνον καὶ Ἴμβρον ἐμβαλὼν αἰχμαλώτους πολίτας ὑμετέρους ᾤχετ' ἄγων καὶ πρὸς τῷ Γεραιστῷ τὰ πλοῖα συλλαβὼν ἀμύθητα χρήματ' ἐξέλεξε, τὰ τελευταῖα δ' εἰς Μαραθῶνα ἀπέβη καὶ τὴν ἱερὰν ἀπὸ τῆς χώρας ᾤχετ' ἔχων τριήρη*; compare Philipp. ii. p. 74. 18, and the whole oration de Halonneso, p. 80. 20: *ὁ δὲ τριήρεις κατασκευάζεται καὶ νεωσοίκους οἰκοδομεῖται καὶ ἀποστόλους ἀποστέλλειν βούλεται, κ. τ. λ.*

19) See at length the orations of Demosthenes and Æschines, *περὶ παραπρεσβείας*, also Voemel de pace inter Athen. et Phil. per legatos cele-

berrimos composita (Franc. ad M. 1827), and prefixed to Demosth. de Pace, in his edition of the Philippics, v. p. 240—283.

20) Compare above, §. 13. n. 6; and on the previous fortification of the Thermopylæ by the Athenians (Ol. cvii. 1), Winiewski, p. 48—52.

21) See Demosth. de Cor. p. 231—239, with Winiewski's remarks, p. 69, sqq.; compare Philipp. ii. p. 74. 10; iii. p. 119. 14; iv. p. 143. 25: —— *πρᾶγμα γὰρ ἔντιμον καὶ μέγα καὶ λαμπρὸν καὶ περὶ οὗ πάντα τὸν χρόνον αἱ μέγισται τῶν πόλεων πρὸς αὐτὰς διεφέροντο . . . ὑμῶν ἀμελούντων ἔρημον ἀνείλετο.*

§. 173. But Philip's steady ambition[1] rendered it impossible that even this peace should be of long duration. Whatever pains he might take to flatter the Athenians by occasional concessions[2], they could not look on with indifference whilst he pursued his victorious course along the Thracian coast, and daily increased his influence in the Peloponnesus[3] and in Eubœa[4]. The eloquence of Demosthenes and his coadjutors[5], and the military successes of Phocion in Eubœa[6] and Megara[7], frustrated, it is true, his plans for a moment, and even induced a small band of allies to join the Athenian standard[8]. Athens still possessed one strong hold in Thrace, namely, the Chersonesus. Diopithes had from that quarter thrown many hindrances in Philip's way[9] since the year B. C. 343, and now, on the outbreak of actual war, B. C. 340, Athens gained two new allies in the states of Perinthus and Byzantium, which Phocion successfully defended against all his attacks[10]. But Athens was soon disabled by domestic treachery[11], or, if one will, by the mistaken policy of a party of influential orators, (the most celebrated were Æschines and Eubulus of Anaphlystus,) who, though they had, but a few years before, made common cause with Demosthenes in opposing the diplomacy of Philip[12], now stepped forward as that monarch's advocates, and by a clamour for peace rendered the thoughtless and apathetic populace regardless of the warnings of Demosthenes[13]

until it became too late to do more than take some hurried measures against the close impending danger[14]. The influence of the same party allowed the Macedonian monarch to penetrate into the very heart of Greece on the occasion of the war of the Amphictyons against Amphissa[15], B. C. 339. His capture and garrisoning of Elatea[16] on that occasion, opened at last the eyes of his old allies, the Thebans, as to the true nature of his designs; Athens and Thebes now forgot their inveterate hatred to unite in opposing him[17], but it was only that Macedon might win, in one day, at Chæronea, B. C. 338, that supremacy over Greece which they had so long contested with each other[18].

1) See Demosth. Philipp. ii. p. 67, sqq.; iii. p. 115; and on this subject at large, Fr. Göller in Demosth. de republica habitas orationes prolegomena s. Chronologia pacis Philocrateæ, resque post hanc gestæ usque ad bellum Amphissense (Cöln. 1823).

2) Hegesipp. de Halonn. p. 82. 10: *... εἰ δέ τι μὴ καλῶς γέγραπται ἐν τῇ εἰρήνῃ, τοῦτ' ἐπανορθώσεσθαι, ὡς ἅπαντα Φίλιππον ποιήσοντα, ὅσ' ἂν ὑμεῖς ψηφίσησθε, κ. τ. λ.*

3) Demosth. F. L. p. 424, sq.; Isocr. ad Philipp. p. 230; and more in Winiewski, p. 150—159; also Weiske de Hyperb. i. p. 38, sq. For the extent to which the Peloponnesus was interested in it, see Polyb. xvii. 14.

4) Demosth. de Cor. p. 248. 12: *ὁ τὴν Εὔβοιαν ἐκεῖνος σφετεριζόμενος, καὶ κατασκευάζων ἐπιτείχισμα ἐπὶ τὴν Ἀττικὴν, καὶ Μεγάροις ἐπιχειρῶν, καὶ καταλαμβάνων Ὠρεὸν, καὶ κατασκάπτων Πορθμὸν, καὶ καθιστὰς ἐν μὲν Ὠρεῷ Φιλιστίδην τύραννον, ἐν δ' Ἐρετρίᾳ Κλείταρχον, κ. τ. λ.*: compare de Cherson. p. 98. 26; Philipp. iii. p. 125. 20; and more in Winiewski, p. 159, sqq.; also Wachsm. i. 2. p. 374.

5) Demosth. Philipp. iii. p. 129. 17: *αἱ πέρυσι πρεσβεῖαι αἱ περὶ τὴν Πελοπόννησον ἐκεῖναι καὶ κατηγορίαι αἷς ἐγὼ καὶ Πολύευκτος ὁ βέλτιστος ἐκείνοσι καὶ Ἡγήσιππος καὶ Κλειτόμαχος καὶ Λυκοῦργος καὶ οἱ ἄλλοι πρέσβεις περιήλθομεν καί ἐποιήσαμεν ἐπισχεῖν ἐκεῖνον, κ. τ. λ.*

6) Compare Diodor. xvi. 74, ad Ol. cix. 4, B. C. 341.—Plutarch, in his life of Phocion, c. 12, has confounded this expedition against Clitarchus with that of Ol. cvi. 4, against Plutarchus (see n. 10. of last section), Compare Boeckh's Publ. Œcon. ii. p. 354, and his dissertation on the date of the oration against Midias in the Abhh. d. Berl. Acad. v. 1818. p. 82, sqq.

7) Plut. Vit. Phoc. c. 15; compare Winiewski, p. 145—148.

8) Plut. Vit. Demosth. c. 17, following Demosth. pro Cor. p. 306. 15; they were the Eubœans, Achæans, Corinthians, Megarians, Leucadians,

and Corcyræans; compare also Æschin. adv. Ctesiph. c. 30; Boeckh's Publ. Econ. i. p. 167; but Demosthenes says again, Philipp. iv. p. 133. 7: *οὕτω διαβεβλήμεθα καὶ καταφρονούμεθα ἐκ τούτων, ὥστε τῶν ἐν αὐτῷ τῷ κινδυνεύειν ὄντων οἱ μὲν ὑπὲρ τῆς ἡγεμονίας ἡμῖν ἀντιλέγουσιν, οἱ δ' ὑπὲρ τοῦ ποῦ συνεδρεύσουσι, κ. τ. λ.*

9) See Demosthenes, *περὶ τῶν ἐν Χερρονήσῳ* (Ol. cix. 3); compare de Halonn. p. 87, sq., and last §. n. 12.

10) See Diodor. xvi. 74—77; Plut. Vit. Phoc. c. 14; and particularly Dionys. Hal. epist. i. ad Ammæum, c. 11. t. iv. p. 740. Rsk.: *αὗται (αἱ συνθῆκαι) διέμειναν ἐπταετῆ χρόνον ἄχρι Νικομάχου* (B.C. 347—341) *ἐπὶ δὲ Θεοφράστου* (Ol. cx. 1, B.C. 340) *ἐλύθησαν, Ἀθηναίων μὲν Φίλιππον αἰτιωμένων ἄρχειν τοῦ πολέμου, Φιλίππου δ' Ἀθηναίοις ἐγκαλοῦντος*; compare Philip's manifesto of war, appended to Demosth. adv. Phil. Epist. p. 158, sqq., and Wachsm. i. 2. p. 348.—Was peace again concluded in consequence? See Winiewski, p. 227—239.

11) See above, §. 72. n. 7, and Wachsm. i. 2. p. 366; and particularly Demosth. Philipp. i. p. 45. 2: *εἰσὶ γὰρ, εἰσὶν οἱ πάντ' ἐξαγγέλλοντες ἐκείνῳ παρ' ἡμῶν αὐτῶν πλείους τοῦ δέοντος, κ. τ. λ.*; comp. de Cherson. p. 104. 25; Philipp. iii. p. 120; iv. p. 132. 24.

12) Demosth. de F. L. p. 344, sqq., and 438, extr.; comp. Winiewski, p. 72.

13) Compare Heeren's Res. Greece, p. 238, sqq., and more particularly A. G. Becker, Demosthenes als Staatsmann u. Redner (Halle u. Leipz. 1815 and 1830); Pistor de Demosthenis ingenio et eloquentia (Darmst. 1825); Ph. A. Zimmermann de Demosth. reipublicæ Atheniensium administratore (Berl. 1828); E. Münch, Züge zu einer Lebensbeschr. d. Demosth., in the Pölitz. Jahrbb. d. Gesch. u. Staatskunst, Febr. 1829.

14) Demosth. Philipp. iv. p. 146. 2: *εὐθὺς ἀναστάς τις λέγει, ὡς οὐ δεῖ ληρεῖν, οὐδὲ γράφειν πόλεμον, παραθεὶς εὐθέως ἐξῆς, τὸ τὴν εἰρήνην ἄγειν ὡς ἀγαθὸν καὶ τὸ τρέφειν δύναμιν μεγάλην ὡς χαλεπὸν, κ. τ. λ.*; compare iii. p. 113. 4: *τοῦτο δ' ἔστιν, ὅ τῶν ἀναλισκομένων χρημάτων πάντων Φίλιππος ὠνεῖται, αὐτὸς μὲν πολεμεῖν ὑμῖν, ὑφ' ὑμῶν δε μὴ πολεμεῖσθαι*: de Halonn. p. 77. 26.

15) See above, §. 13. n. 6; and on the chronology, Corsini, F. A. i. p. 140—144; Clinton's F. H. ii. p. 289—295; Winiewski, p. 206—257. The speech of Libanius, *τῷ τοῦ Δημοσθένους ὀνόματι κατ' Αἰσχίνου πυλαγόρου*, t. ii. p. 681—706, Morell., also bears on this subject.

16) Compare Demosth. pro Cor. p. 278. sqq.; Diodor. xvi. 84; and on the military importance of the place, Strab. ix. p. 639. C.: *ὅτι πασῶν μεγίστη τῶν ἐνταῦθα πόλεων καὶ ἐπικαιροτάτη διὰ τὸ ἐπικεῖσθαι τοῖς στενοῖς, καὶ τὸν ἔχοντα ταύτην ἔχειν τὰς εἰσβολὰς τὰς εἰς τὴν Φωκίδα καὶ τὴν Βοιωτίαν, κ. τ. λ.*

17) Demosth. ibid. p. 285, sqq.

18) On the seventh of Metagitnion (Plut. Vit. Camill. c. 19.) Ol. cx. 3; compare Diodor. xvi. 86—89; Justin. ix. 3: *Hic dies universæ Græciæ et gloriam dominationis et vetustissimam libertatem finivit.*

§. 174. To Athens the immediate consequence of this overthrow[1] was the loss of the sovereignty of the

seas and of her foreign possessions, for which the acquisition of Oropus proved but a trifling compensation[2]. She was however more fortunate than her confederates, since, although obliged to concur in the decrees by which the whole of Greece acknowledged first Philip, and then Alexander, as their generalissimo against the Persians[3], she still succeeded in maintaining her civil independence, even under the latter; and regained indeed once more a considerable degree of public prosperity under the wise financial system of Lycurgus[5]. Alexander's wrath on account of her projected revolt, was appeased by the intercession of Demades[6]. Highly characteristic of the moral condition of this state and its leaders at this period, was the prosecution of those who were suspected of being bribed by Harpalus[7], the treasurer of Alexander, who was a refugee in Athens; but it is involved in nearly as great mystery as that of the Hermocopidæ, and the expressions of Demosthenes[8] make it extremely doubtful whether the accused or his accusers and the judges, among whom we regret to find the Areopagus, were the more guilty party. But the fact that Athens dared not avail herself of the opportunities afforded her by the presence of this man, no more than of the previous insurrection of the Peloponnesus under Agis II. of Lacedæmon[9], is decisive of the great influence of the Macedonian party, by whom her energies were crippled[10], and who reckoned on their side the wealthiest part of the citizens[11]. Hence we may account for the anti-democratic spirit displayed by that party when subsequently, on the death of Alexander, Hyperides[12] and Leosthenes encouraged the Demos to join in the Lamian war[13], in which the forces of nearly all Greece were seen once more united under the orders of Athens; so great was the discontent that had been excited by the frequent intervention of

the Macedonian monarch in the internal affairs of the states. The unfortunate termination of this war justified, it is true, the apprehensions of Phocion, but we are grieved to see that man, whose equals in integrity and nobleness of mind are scarcely to be found in history [15], acting on the side of a cunning egotist like Demades [16], who thought he could not profitably employ his great talents except as a hireling of Antipater; and to read his name among the negotiators of a peace by which 12,000 Athenians were deprived of the rights of citizenship [17] because not possessed of the minimum qualification of 2000 drachmæ, by which the Macedonians were put in possession of the Munychia, and the noblest of the citizens, and even Demosthenes, whose return had been celebrated as a triumph [18], abandoned to the vengeance of a most merciless enemy.

1) Pausan. i. 25. 3.

2) Id. i. 34. 1; Demad. Fragm. π. δωδεκαετίας, t. iii. p. 488. Bekk.

3) Concerning Philip, see Diodor. xvi. 89; and comp. Plut. Vit. Phoc. c. 16: Δημάδου γράψαντος, ὅπως μετάσχοι ἡ πόλις τῆς κοινῆς εἰρήνης καὶ τοῦ συνεδρίου τοῖς Ἕλλησιν . . . . καὶ τριήρεις ἔδει παρέχειν τῷ Φιλίππῳ καὶ ἱππεῖς, κ. τ. λ. On Alexander, see Diodor. xvii. 4, and the speech of Demosthenes, περὶ τῶν πρὸς Ἀλεξ. συνθηκῶν, from which we are able to collect some of the articles of the general peace.

4) Pausan. vii. 10. 1: Ἀθηναῖοι γὰρ μετὰ τὸ ἀτύχημα τὸ ἐν Βοιωτοῖς οὐκ ἐγένοντο Φιλίππου κατήκοοι, ἀλόντων μέν σφισι δισχιλίων, ὧν ἐκράτησε παρὰ τὸ ἔργον, χιλίων δὲ φονευθέντων: comp. Justin. ix. 4.

5) As ταμίας τῆς κοινῆς προσόδου, or τῆς διοικήσεως, see above, §. 151. n. 10, 11, and on this man, (ᾧ ἐπορίσθη μὲν τάλαντα ἐς τὸ δημόσιον πεντακοσίοις πλείονα καὶ ἑξακισχιλίοις ἢ ὅσα Περικλῆς ὁ Ξανθίππου συνήγαγε (comp. §. 159. n. 10)· κατεσκεύασε δὲ πομπεῖα τῇ θεῷ καὶ νίκας χρυσᾶς καὶ παρθένιος κόσμον ἑκατόν, ἐς δὲ πόλεμον ὅπλα καὶ βέλη καὶ τετρακοσίας ναυμαχοῦσιν εἶναι τριήρεις (100 vessels, indeed, according to Demosth. de Fœd Alex. p. 217. 20), οἰκοδομήματα δὲ ἐπετέλεσε μὲν τὸ θέατρον ἑτέρων ὑπαρξαμένων, τὰ δὲ ἐπὶ τῆς αὐτοῦ πολιτείας ἃ ᾠκοδόμησεν ἐν Πειραιεῖ νεὼς εἶσιν οἶκοι καὶ τὸ πρὸς τῷ Λυκείῳ καλουμένῳ γυμνάσιον) see more in (Pseudo) Plutarchi Vitt. x. Oratt. t. xii. p. 250—258, and the Psephism of Stratocles, ibid. p. 277—279; comp. Taylor's Proleg. in Lycurgi reliquias, (Cantabr. 1743, reprinted in Reiske's edition, t. iv. and prefixed to that of A. G. Becker, Magdeb. 1821.), Auger in the Mém. de l'Acad. des Inscr. t. xlvi, p. 364, sqq.; and Boeckh, in his Publ. Œcon. i. p. 264—269. ii. p. 183, sqq. coll. C. Inscr. i. n. 157, which Boeckh conjectures to be a fragment of the accounts

passed by Lycurgus, at the expiration of his twelve years of office (Ol. cx. 3 to cxii. 3, or from cxi. to cxiii.?) A brief account of him may be seen in Wachsm. i. 2. p. 363.

6) Diodor. xvii. 15. The most celebrated of the orators whose surrender he demanded were Demosthenes, Polyeuctus, Lycurgus, Hyperides, and Charidemus; concerning the names and even number of the rest, the ancients themselves were not agreed; compare Plut. Vit. Demosth. c. 23; Arrian. i. c. 10.

7) See Diodor. xvii. 108; Athen. vi. 47. xiii. 67; Plut. Vit. Phoc. c. 21; Demosth. c. 25, 26; x. Oratt. p. 260. Hutt., and particularly the speeches of Dinarchus against Demosthenes, Philocles, and Aristogiton. Concerning this last, see more ap. Taylor in Schæfer's App. ad Dem. t. iv. p. 299, and B. Thorlacius, Opuscc. t. ii. p. 201—240.

8) His innocence is placed beyond a doubt, by Pausan. ii. 34. 4. Comp. A. G. Becker's Demosth. als Staatsmann und Redner, p. 115—121, and Niebuhr's kl. histor. Schr. i. p. 481. For more ancient charges against him, see Plut. c. 14 and 20; Diodor. xvii. 4, and Schmidt ad Dinarch. c. 10.

9) Diodor. xvii. 62 and 63; comp. Dinarch. c. 34, with Schmidt's note, and Plut. Vit. Demosth. c. 24.

10) The words of Demosthenes, *ἀμπελουργοῦσί τινες τὴν πόλιν, ἀνατετμήκασί τινες τὰ κλήματα τοῦ δήμου, ὑποτέτμηται τὰ νεῦρα τῶν πραγμάτων, κ. τ. λ.*, were, however, not quite so senseless as Æschines would make them appear, adv. Ctesiph. c. 52; compare also, de Fœd. Alex. p. 214, and Arrian. Exped. Alex. ii. 17. 4.

11) Diodor. xviii. 10: *τῶν μὲν κτηματικῶν συμβουλευόντων τὴν ἡσυχίαν ἄγειν, τῶν δὲ δημοκόπων ἀνασειόντων τὰ πλήθη*: comp. Plut. Vit. Phoc. c. 28: *οἱ ἐπιεικεῖς*, and on the Macedonian predilections of the oligarchical party in general, at an earlier period, Demosth. Philipp. iv. p. 132, where the distinctions drawn by Weiske, de Hyperb. i. p. 32, must be borne in mind.

12) On this orator, see, (besides his life in the Pseudo-Plut. t. xii. p. 269—273,) Ruhnk. hist. or. gr. p. lxix, sqq., G. A. Blume de Hyperidis genere et psephismate apud Lycurgum adv. Leocratem prefixed to his edition of Lycurgus, (Strals. 1828.) p. xv—xviii, and Wachsm. i. 2. p. 363, sqq.

13) Compare Diodor. xviii. 8, and J. Gast's Gesch. v. Griechenland seit Alex. d. Gr. A. d. Engl. (Leipz. 1796.); Mannert's Gesch. der unmittelbaren Nachfolger Alexanders: (Leipz. 1787), p. 32, sqq., Car. Jos. Demortier de statu græcarum civitatum Alex. M. moriente, in the Ann. Acad. Leodiensis a. 1824, p. 103—170.

14) Diodor. xviii. 9—17; Plut. Vit. Phoc. c. 23; Justin. xiii. 5; Paus. i. 1. 3; 25. 4.

15) Plut. Vit. Demosth. c. 14: *ὁ Φωκίων οὐκ ἐπαινουμένης προϊστάμενος πολιτείας, ἀλλὰ δοκῶν μακεδονίζειν, ὅμως δι' ἀνδρείαν καὶ δικαιοσύνην οὐδὲν οὐδαμοῦ χείρων ἔδοξεν Ἐφιάλτου καὶ Ἀριστείδου καὶ Κίμωνος ἀνὴρ γενέσθαι.* See more, ibid., and in Heyne's treatise, entitled, Res a Phocione in rep. Atheniensium gestæ in disceptationem vocatæ, in his Opusc. t. iii. p. 346—363.

16) Compare Paus. vii. 10. 1, and, on the subject at large, C. S. G. Hauptmanni Disp. qua Demadem et illi tributum Fragmentum orationis

considerat, (Gerae, 1768), reprinted by Reiske, t. iv. p. 423, sqq.); Ruhnk. hist. or. gr. p. lxxi. sqq.; Boeckh's Publ. Œcon. i. p. 301, sqq.; Wachsmuth, i. 2. p. 411.

17) Plut. Vit. Phoc. c. 27; Diodorus, xviii. 18, says erroneously 22,000.

18) Plut. Vit. Phoc. c. 29; Demosth. c. 28; Pausan. i. 8. 4, etc.

§. 175. In the course of the dissensions which broke out, after the death of Antipater, between his son Cassander and Polysperchon, the latter re-established the Democracy for a moment, B. C. 318, and Phocion fell a victim to the change[1]; Cassander, however, held out in the Munychia, and in the very next year was again master of the city[2]; the wise and beneficial administration of Demetrius Phalereus, though extended through a period of ten years[3], was however considered but a poor compensation for the loss of independence, and, in B. C. 308, Demetrius Poliorcetes was welcomed as a deliverer[4]. One of the most harmless of the unheard of flatteries with which the populace, guided by interested orators like Stratocles, rewarded him for restoring the name of freedom[5], was that by which they declared him and his father saving deities, appointing priests in their honour, whose names were in future to serve instead of those of the Archons for designating the years[6], and adding to the ten Clisthenic tribes two new ones called Antigonias and Demetrias[7]. By the latter measure the number of the senate was also increased to six hundred, and this new arrangement continued even after the fall of Demetrius[8], except that the names of the two tribes were altered to Ptolemais and Attalis[9]. Their adulation proceeded still further, B. C. 300, when Demetrius had forgiven their revolt after his overthrow at Ipsus[10] and released them from the yoke of Lachares, who had been set over them as governor by Cassander[11]. But whilst that conqueror thus displayed his clemency, he took measures for

gaining a more secure possession of their city, by placing garrisons in the Museum [12] as well as in the Munychia and Piræus; nor were the Athenians rid of these garrisons until they revolted, under Olympiodorus [13], after Demetrius had lost the throne of Macedon, B. C. 288. Notwithstanding the weak condition to which they were reduced, they fought with the rest of the Greeks in opposing the passage of Thermophylæ, by the Gauls [14], B. C. 280, in a manner which made them appear worthy of the freedom they had regained. This freedom they afterwards again heroically defended against Antigonus Gonatas [15], until reduced by famine, B. C. 262 [16], notwithstanding the assistance of Ptolemy II. of Egypt, and Areus I. of Sparta [17]. The Macedonian king appears to have then lorded over the city for some years [18], but eventually, B. C. 256, granted it civil liberty [19], maintaining, however, a garrison in each port, which were not withdrawn until after his death, B. C. 243, when Aratus, in the hope of gaining Athens over to the Achæan League, bribed them to retire [20]. But though Aratus not only thus relieved the Athenians, but even put them anew in possession of Salamis [21], they from that time forth refused to take part in the affairs of the rest of Greece, preferring to ally themselves with foreign powers, particularly with the Ptolemies and with the kings of Pergamus, whilst the crafty orators exhausted their genius in showing the most abject flattery towards those monarchs [22].

1) Diodor. xxiii. 56 and 66; Plut. Phoc. c. 32, sqq. A number of exiles returned in consequence, and under Demetrius Phalereus there were again as many as 21,000 citizens, Athen. vi. p. 272. C.

2) By means of Nicanor: Diodor. xviii. 64—68; Plut. Phoc. c. 31.

3) Diodor. c. 74: *συνέθεντο τὴν εἰρήνην, ὥστε τοὺς Ἀθηναίους ἔχειν πόλιν τε καὶ χώραν καὶ προσόδους καὶ ναῦς καὶ τἆλλα πάντα, φίλους ὄντας καὶ συμμάχους Κασσάνδρῳ, τὴν δὲ Μουνυχίαν κατὰ τὸ παρὸν κρατεῖν Κάσσανδρον . . καὶ τὸ πολίτευμα διοικεῖσθαι ἀπὸ τιμήσεων*

ἄχρι μνῶν δέκα, καταστῆσαι δ' ἐπιμελητὴν τῆς πόλεως ἕνα ἄνδρα Ἀθηναῖον, ὃν ἂν δύξῃ Κασσάνδρῳ, καὶ ᾑρέθη Δημήτριος ὁ Φαληρεύς. Compare Strab. ix. p. 609. C: ἔνιοι δέ φασι καὶ βέλτιστα τότε αὐτοὺς πολιτεύσασθαι δεκαετῆ χρόνον . . . . ἐπέστησε γὰρ τῶν πολιτῶν Δημήτριον τὸν Φαληρέα τὸν Θεοφράστου τοῦ φιλοσόφου γνώριμον· ὃς οὐ μόνον οὐ κατέλυσε τὴν δημοκρατίαν. ἀλλὰ καὶ ἐπηνώρθωσε· δηλοῖ δὲ τὰ ὑπομνήματα, ἃ συνέγραψε περὶ τῆς πολιτείας ταύτης ἐκεῖνος, and see more on the subject at large in Diogen. Laert. v. 75, sqq.; Bonamy in the Mém. de l'Acad. d. Inscr. viii. p. 157; sqq. Ruhnk. Hist. cr. or. gr. p. xci; Dohrn de Vita et rebus Demetrii Phal. (Kiel, 1828); Pastoret, vi. p. 233, sqq. Wachsm. i. 2. p. 413, sq.

4) Diodor. xx. 45; Dionys. Hal. Dinarch. c. 2, and 3. t. v. p. 632—637. Rsk.; Plut. Vit. Demetr. c. 8 and 10.

5) Thus δεδόχθαι τῷ δήμῳ, πᾶν ὅ τι βασιλεὺς Δημήτριος κελεύσῃ, τοῦτο καὶ πρὸς θεοὺς ὅσιον καὶ πρὸς ἀνθρώπους εἶναι δίκαιον; comp. Plut. Vit. Demetr. c. 11—13, 23—26; Athen. vi. 62—64, with Eichstädt's Programm.: Ithyphallicum carmen Demetrio Poliorcetæ cantatum, quum ad sacra Cereris Athenas reverteretur (Jenæ, 1807); and on Stratocles in particular, Ruhnken. ad Rutil. Lupum, p. 32—34; Wachsm. i. 2. p. 414.

6) Plut. ibid. c. 10, coll. c. 46. From B. C. 306 to 288, comp. Corsin. F. A. ii. p. 93—95; but, as has been rightly observed by Clinton, F. H. ii. p. 380, those years were afterwards designated by the names of their respective Archons.

7) See Plut. ibid.; and, on their place at the head of the list of tribes, Dodwell de Cyclis Diss. iii. p. 39, and Boeckh ad C. Inscr. i. p. 152. Compare also Pausan. x. 10. 1, where he mentions that the statues of Antigonus and Demetrius stood in the temple of Delphi, with those of the other ἐπώνυμοι (§. 111. n. 2.)

8) Comp. Corsin. i. p. 262; Schömann de Com. p. 44.

9) Comp. Pausan. i. 5. 5; Poll. viii. 110; Steph. Byzant. s. v. Βερενικίδαι: the former, from Ol. cxxx., in compliment to Ptolemy Philadelphus (Pausan. i. 6. 8), the latter, from Ol. cxlv., in compliment to Attalus I. comp. Polyb. xvi. 25. 9; Liv. xxxi. 15. Grotefend conjectures (de demis, p. 13, sq.), against the opinion of Boeckh (ad C. Inscr. i. p. 901), that the name Demetrias continued till then; compare also Emperius de tempp. belli Mithr. p. 29: *non videntur Athenienses, semel institutis XII. tribubus, ad X. et deinde XI. rediisse.* The fact that the Ptolemaïs ranked fifth, and the Attalis twelfth, among the tribes, was rightly remarked by Corsini himself, F. A. i. p. 165, although inconsistent with what he advanced in p. 177.

10) Plut. Vit. Demetr. c. 30—34.

11) Comp. Wytt. ad Plut. de Sera Num. Vind. p. 71.

12) Paus. i. 25. 5; comp. Leake's Topogr. p. 361.

13) Plut. Vit. Demetr. c. 46; Paus. i. 26. 1—3.

14) Paus. i. 4. 2: Ἀθηναῖοι δὲ μάλιστα μὲν τῶν Ἑλλήνων ἀπειρήκεσαν μήκει τοῦ Μακεδονικοῦ πολέμου, καὶ προσπταίοντες τὰ πολλὰ ἐν ταῖς μάχαις· ἐξιέναι δὲ ὅμως ὥρμηντο εἰς τὰς Θερμοπύλας, κ. τ. λ., conf. x. 21. 3: τοὺς μὲν δὴ Ἕλληνας τὸ Ἀττικὸν ὑπερεβάλετο ἀρετῇ τὴν ἡμέραν ταύτην.

15) Compare Niebuhr, über den Chremonideischen Krieg, in the Rhein. Mus. i. p. 159—168, and in his kl. Schr. i. p. 451—463.

16) Pausan. iii. 6. 3: *τοῖς δὲ Ἀθηναίοις ἀντισχοῦσιν ἐπὶ μακρότατον ἐποιήσατο Ἀντίγονος εἰρήνην, ἐφ' ᾧ τε σφίσιν ἐπαγάγῃ φρουρὰν ἐς τὸ Μουσεῖον*: comp. Polyæn. iv. 6. 10.

17) Ptolemy sent his general Patroclus to their aid, according to Pausan. i. 1. 1; see id. i. 7. 3; iii. 6. 3.

18) Antigonus named his *φρούραρχος* Lycinus, Archon, Athen. iv. 64. p. 167. F.; Stob. Serm. xxxviii. p. 229, Gesn.

19) Pausan. l. c.. *καὶ τοῖς μὲν ἀνὰ χρόνον αὐτὸς ἐξήγαγεν ἑκουσίως τὴν φρουρὰν ὁ Ἀντίγονος*: Ol. cxxxi. 1, according to Eusebius (Sync. p. 220. B.): *Ἀθηναίοις Ἀντίγονος τὴν ἐλευθερίαν ἀπέδωκεν*, comp. Corsini, iv. p. 93, with whom Emperius, l. l., finds fault unjustly, for he is wrong only in assuming that he afterwards again occupied Athens.

20) Pausan. ii. 8. 5; Plut. Vit. Arat. c. 34.

21) Pausan. i. 35. 2; comp. Boeckh. ad C. Inscr. i. n. 108.

22) See Polyb. v. 106 (Ol. cxl. 3): *Ἀθηναῖοι δὲ τῶν ἐκ Μακεδονίας φόβων ἀπελέλυντο καὶ τὴν ἐλευθερίαν ἔχειν ἐδόκουν ἤδη βεβαίως· χρώμενοι δὲ προστάταις Εὐρυκλείδᾳ καὶ Μικίωνι, τῶν μὲν ἄλλων Ἑλληνικῶν πράξεων οὐδ' ὁποίας μετεῖχον, ἀκολουθοῦντες δὲ τῇ τῶν πρωτεστώτων μάλιστα τούτων εἰς Πτολεμαῖον· καὶ πᾶν γένος ὑπέμενον ψηφισμάτων καὶ κηρυγμάτων διὰ τὴν τῶν προεστώτων ἀκρισίαν*; and, on the residence of Attalus in Athens, ibid. xvi. 25. 7.

§. 176. These very alliances, however, involved the Athenians, about B. C. 200, in a war with Philip of Macedon, the son of Demetrius, in the course of which that monarch forced his way up to the gates of their city[1], committing unparalleled devastations; but his hostility procured for them the friendship of Rome, by means of which they not only recovered Lemnos, Imbros, Scyros, and Delos, but, after the dissolution of the Bœotian League, gained the district of Haliartus[2]. The extent of their weakness, and of their dependence on Rome from that time forth, was, however, very evidently shown by the affair of Oropus, B. C. 155, which proved the remote cause of the ruin of the Achæan League[3]; that event may however be said to have had no immediate influence on Athens[4], inasmuch as she still continued in name the independent ally of Rome[5]; although, in fact, so far dependent on the neighbouring Roman prætors[6], that the alliance with Mithridates, into which Aristion (or Athenion[7]) found means to inveigle her[8], B. C. 88, so far from affecting,

as had been hoped, her total and absolute independence, only drew down on her the horrors of her siege and capture by Sylla[9]. But Athens did not even yet lose the name of freedom[10], indeed, the ancient forms of government were retained, with the exception, it would seem, of one short interval[11], throughout the reigns of the Roman emperors[12], except that the higher position assumed by the Areopagus[13], and the increased importance of the Strategi[14], and their election by open vote[15], gave it a rather more aristocratic character. Even the imprudent part taken by Athens in the civil wars of Rome, favouring, as it always did, the unsuccessful party[16], entailed no further injury than the loss of Eretria and Ægina, which Augustus took back after Antony had assigned them to her[17]. The low standard of public character is, on the other hand, evinced by the importance assigned in public monuments and records[18], to the Ephebi and their presidents, the Gymnasiarchs, Cosmetæ, etc., and by the constant flattery paid to the great at Rome[19], especially to the imperial family, in whose honour, for instance, we meet with an Archon who was at the same time priest of Drusus[20]. The time at which this flattery reached its height, appears to have been under the reign of Hadrian, in whose honour a thirteenth tribe was formed, but at the same time the number of the council was restored to the original amount of five hundred members[21]. It must however be acknowledged, that Hadrian rendered important services to the Athenians, by bestowing on them a new code of laws, by enlarging and beautifying their city[22], and by assigning to them the island of Cephallenia[23]. The great influence soon afterwards attained by the orator Herodes[24], was far from prejudicial to them, although they at last found him so troublesome as to petition M. Aurelius against him. We are not informed what the diminu-

tion of their privileges ascribed to Septimus Severus really was[25]; we find, after his time, Gallienus styled both Archon and Areopagite[26], nor do they appear to have lost the name of freedom till the establishment of the Eastern empire[27].

1) Liv. xxxi. 5. 24—26. 44; comp. Pausan. i. 36. 4; vii. 7. 4.

2) B. C. 168, comp. Polyb. xxx. 18; but according to Liv. xxxiii. 30, the islands were in her possession as early as B. C. 196.

3) See Paus. vii. 11, and, on the embassy of the three philosophers, Carneades, Critolaus, and Diogenes, to Rome, Cic. Academ. ii. 45; Plut. Vit. Cat. Maj. c. 22; Gell. vii. 15; Macrob. Saturn. i. 5.

4) Consult, on this subject at large, F. H. L. Ahrens de statu Athenarum politico et literario inde ab Achaïci fœderis interitu usque ad Antoninorum tempora (Gott. 1829); and C. F. Chr. Beutler de Athenarum fatis, statu politico et literario sub Romanis (Gott. 1829).

5) Strab. ix. p. 610. A: Ῥωμαῖοι δ' οὖν παραλαβόντες αὐτοὺς δημοκρατουμένους ἐφύλαξαν τὴν αὐτονομίαν αὐτοῖς καὶ τὴν ἐλευθερίαν . . . καὶ μέχρι νῦν ἐν ἐλευθερίᾳ τε ἐστὶ καὶ τιμῇ παρὰ τοῖς Ῥωμαίοις. Comp. Tac. Ann. ii. 53, and Ahrens, p. 18—23; hence, in particular, the expression, *Attica fides*, in Vell. Paterc. ii. 23.—What, however are we to conclude from the assistance which Athens furnished to Rome, according to Pausan. i. 29. 12?

6) See Cic. in Pis. c. 16; Verr. ii. 1. 17. Hence we may account for τὸ βῆμα τὸ πρὸ τῆς Ἀττάλου στοᾶς ᾠκοδομημένον τοῖς Ῥωμαίων στρατηγοῖς, mentioned in Athen. v. 50; compare further Appian. de Bello Mithr. p. 196: νόμους ἔθηκεν (Sylla) ἀγχοῦ τῶν πρόσθεν αὐτοῖς ὑπὸ Ῥωμαίων ὁρισθέντων.

7) So Posidonius ap. Athen. v. c. 48—53: comp. Victor. V. L. xxv. 24.

8) See, at large, Appian. l. l. p. 189, sqq.; Pausan. i. 20. 3; Plut. Vit. Sull. c. 12—14, and more in Fabric. ad Dion. Cass. xxxv. p. 50. Reimar.

9) On the first of March, B. C. 86; compare, against Fréret sur la date de la prise d'Athènes par L. Corn. Sulla in the Mém. de l'Acad. des Inscr. xxi. p. 40, and J. E. Woltersdorf de vita Mithridatis (Gott. 1813), the dissertation of A. C. W. Emperius de temporum belli Mithridatici primi ratione (Gott. 1829), and Ahrens, l. l. p. 8.

10) See Strab. l. l., and Plut. Comp. Lysandri et Sullæ, c. 5: ἐλευθέραν ἀφῆκε καὶ αὐτόνομον: but compare Appian. p. 195: τὴν ἐλευθερίαν ἔφη διδόναι, ψῆφον δὲ καὶ χειροτονίαν τῶνδε μὲν ὡς οἱ πεπολεμηκότων ἀφαιρεῖσθαι, τοῖς δ' ἐκγόνοις καὶ ταῦτα διδόναι.

11) See Boeckh's C. Inscr. n. 202—206; and compare Ahrens, p. 50.

12) Plin. Epist. viii. 24. 4: *quibus reliquam umbram et residuum libertatis nomen eripere durum, ferum, barbarumque est.* Comp. Dio Chrysost. xxxi. p. 342. D.; Hopfensack, Staatsrecht der röm. Unterthanen (Dusseld. 1829), p. 292. Ahrens, l. l. pp. 14 and 19, asserts that Vespasian deprived it of its freedom (see below, §. 189. n. 13), contrary to the opinions of

Meursius de Fort. Athen. c. 10 (p. 1747. T. V. Gron.), and of Corsini, iv. p. 158, and rightly; still the Roman Prætor evidently possessed a kind of jurisdiction; see the Corp. Inscr. n. 355, and Philostr. V. Sophist. ii. 10. 3; compare also Corsini, i. p. 46.

13) See Ahrens, p. 34—39; Beutler, p. 36—39.

14) Στρατηγοῦντες ἐπὶ τοὺς ὁπλίτας, see the C. Inscr. n. 477—480, and more in v. Dale Diss. v. 3. p. 410, sqq.; Corsin. F. A. i. p. 40—47; Krebs. de Decr. Athen. p. 325—340; Hemsterh. Anecdd. p. 173, Geel. According, indeed, to Philostr. V. Soph. i. 23: ἡ ἀρχὴ αὕτη πάλαι μὲν κατέλεγε καὶ ἐξῆγεν ἐς τὸν πόλεμον, νυνὶ δὲ τροφῶν ἐπιμελεῖται καὶ σίτων ἀγορᾶς.

15) Comp. Ahrens, p. 25, sqq. That all other offices were filled by open election, as the same writer maintains, p. 39, is by no means to be asserted positively[k].

16) Thus they sided successively with Pompey, Brutus, Cassius, and Antony, see Ahrens, p. 10, sq.; Beutler, p. 4.

17) Dio Cass. liv. 7, coll. Appian. de Bello Civ. v. p. 675.

18) See the C. Inscr. n. 251, sqq.; and comp. Ahrens, p. 53, sqq.; Beutler, p. 31, sqq.

19) As towards Antony, Dio Cass. xlviii. 39; compare, on this point at large, Dio Chrysost. p. 346, sq.

20) Boeckh ad C. Inscr. i. p. 313.

21) Pausan. i. 5. 5; compare Boeckh's C. Inscr. i. p. 901; Osann is wrong, Syll. vii. p. 322.

22) Pausan. i. 3. 1: βασιλεὺς Ἀδριανὸς, ἐς ἄλλους τε, ὧν ἦρξεν, εὐεργεσίας καὶ εἰς τὴν πόλιν μάλιστα ἀποδειξάμενος τὴν Ἀθηναίων; comp. c. 18. 6—9, and c. 20, extr.: Ἀθῆναι μὲν οὕτως ὑπὸ τοῦ πολέμου κακωθεῖσαι τοῦ Ῥωμαίων αὖθις Ἀδριανοῦ βασιλεύοντος ἠνθησαν. See more in Meursius, l. l. p. 1748; Ahrens, p. 15; Beutler, p. 6; and, particularly on Hadrianopolis Nova, Leake's Topogr. p. 204—210, with Müller's Remarks, p. 459, from the Schol. Aristid. p. 69, Fromm.

23) Dio Cass. lxix. 16.

24) See Pausan. i. 19. 7; especially Philostr. V. Soph. ii. 1; and on the subject in general, Burigny in the Mém. de l'Acad. des Inscr. t. xxx. p. 1—28, and R. Fiorillo, in the collection of his Fragments (Lips. 1801); also the explanations of the Triopian Inscriptions by Salmasius (Paris, 1619), and E. Q. Visconti (Rom. 1794); coll. Spon, Misc. Erud. Antiqu. S. x. p. 322.

25) Spartian. V. Severi, c. 3.

26) Trebell. Poll. Gallien. c. 11.

27) Compare Meursius, l. l. p. 1750, sqq.

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[k] Retractavi sententiam meam in censurâ dissertationis Ahrensianæ, in Ephemer. Scholast. 1832. No. 25.

(Note added by the Author.)

CHAPTER VIII.

AN ACCOUNT OF CERTAIN CONFEDERACIES WHICH MAKE AN IMPORTANT FIGURE IN THE HISTORY OF GREECE.

§. 177. However obvious it may appear that the two leading states of Greece, Lacedæmon and Athens, were partly indebted for the preponderance of power they enjoyed to the numerical superiority of their population, it is certain that there were other states at least equal, if not superior to them, in this point. Such states were, consequently, always disposed and on the alert to take advantage of every dispute between those powers and their subjects, for the purpose of disputing with them the supremacy of Greece, or of claiming to be at any rate their equals. The prosecution of these pretensions required that their forces should be concentrated, and that a settled and moderate administration at home should leave them at liberty to pursue a steady and consistent course of policy abroad. Such, evidently, was the object of the confederacy of the Arcadians under Lycomedes, about B. C. 369, and of the founding of Megalopolis[1], a measure which, however thwarted from the first[2], most effectually prevented Lacedæmon from regaining its supremacy[3]. The anxiety[4] of the several states to preserve the equipoise of power which was thus created in the Peloponnesus, held the whole peninsula in a state of inactivity which cost it its freedom; nor was it till the power of Macedonia had caused a total revolution in the politics of Greece, that the Peloponnesian states acted

for a moment in unison under the command of Lacedæmon[5], or sought to promote a common interest by joining the Achæan league. Thessaly, Bœotia, and Ætolia, also demand our attention, from the contrast they for a time respectively presented to the rest of Greece, by the union of their powers. Such coalitions as took place between other states[6] are undeserving of notice, either from the feebleness and supineness they displayed, or from having had no further object than the protection of their own particular territory[7].

1) Compare Xenoph. Hell. vii. 1. 23, and 4. 3; and see above, §. 42. n. 7.

2) Diod. xv. 94; compare Pausan. vi. 12. 3, and Demortier, l. l. p. 150.—Tittmann is evidently wrong, p. 688—693, in representing Megalopolis to have been the place of congress of an Arcadian confederacy.

3) See above, §. 42. n. 19, and especially Demosth. pro Megalopolitanis; Winiewski, p. 149, sqq.; and the statement in Polybius (iv. 33. 9) concerning the services rendered by the Megalopolitans at the restoration of the Messenians, B. C. 362.

4) Demosth. Philipp. iv. p. 145. 7: ἔπειτα προστασίαι πολλαὶ καὶ πανταχόθεν γίγνονται καὶ τοῦ πρωτεύειν ἀντιποιοῦνται μὲν ἅπαντες, ἀφεστᾶσι δ' ἔνιοι καὶ φθονοῦσι καὶ ἀπιστοῦσιν ἑαυτοῖς, οὐχ ὡς ἔξει, καὶ γεγόνασι καθ' αὑτοὺς ἕκαστοι, Ἀργεῖοι, Θηβαῖοι, Κορινθίοι, Λακεδαιμόνιοι, Ἀρκάδες, ἡμεῖς. On the internal position of affairs, comp. Wachsm. i. 2. p. 369, sqq.

5) Under Agis II., B. C. 329, see §. 174. n. 9; under Areus, B. C. 280, Justin. xxiv. 1; and under Cleomenes III., see above, §. 49. n. 9.

6) What is known in this respect of Phocis (Pausan. x. 5. 1), Doris, Locris, Acarnania (Xenoph. Hell. iv. 6. 4), Epirus, etc., may be seen in Ste.-Croix, des anc. gouv. féd. p. 210, sqq., Tittmann, viii. p. 708, sqq., and Pastoret, Hist. de la Législ. t. viii. p. 341—400.

7) Macedonia is excluded from this work since its form of government, and indeed its entire national character, was unhellenic. On this latter point, see Herodot. v. 22, and particularly Demosth. Olynth. iii. p. 35. 7, with Voemel's note, p. 126; Philipp. iii. p. 119. 8; de Falsa Legat. p. 446. 10, coll. 439. 25; and the oration of Herodes given by Reiske, t. viii. p. 50; Weiske, on the other hand, de Hyperbol. i. p. 18, sq., vindicates the Greek character of the Macedonians. Consult further, Salmas. de Hellenistica, p. 276, sqq., and Sturz de dialecto Macedonica et Alexandrina, p. 10, particularly in reference to Herodot. i. 56, and viii. 43: Δωρικόν τε καὶ Μακεδνὸν ἔθνος, and on the other side see Müller's Dorians, i. p. 2, sqq., and p. 40, sqq.; compare above, §. 15. n. 5. Consult also L. Teaske's Gesch. von Macedonien (Leipz. 1830).

§. 178. Jason of Pheræ appears to have first conceived the project of a league, when he caused himself to be appointed generalissimo (ταγὸς) of all Thessaly[1]; the force he collected shows what that part of Greece might have effected, especially by means of its superior cavalry[2], had it been united and well governed. It is indeed represented as forming but a single state[3] after its conquest by the Thesprotian race[4]; but the confederacy between the cities of Larissa, Cranon, Pharsalus, Pheræ, and others[5], had no consistency. Moreover, although the relation in which the conquered aborigines stood, as Penestæ, to the rest of the nation, as their conquerors, appears to have prevailed equally through the whole country; and although the neighbouring tribes of the Magnetes, Perrhæbi, Pthiotæ, etc., were tributary, and commonly styled subjects of the Thessalians[6], we yet find no mention of one common government. An Aleuas, or a Scopas, appears only on extraordinary occasions invested with the chief command in war[7]; nor was their dignity allowed to be hereditary. The spirit of most of the states was aristocratic[8]; the Aleuadæ in Larissa[9], and the Scopadæ in Cranon[10], appear in particular to have been the relics of royal houses retaining the characteristics of Tyrannies[11]. The rivalry of party was however generally displayed among them in a surprisingly peaceable manner[12]. No democratic commotions occurred till about the close of the Peloponnesian war; those which then took place gave rise to a decided tyranny in Pheræ, which immediately became involved in jealousies against the Aleuadæ. Lycophron, about B. C. 394, barely made head against them by the help of Thebes[13]; but Jason, leaguing with that state, united all Thessaly under his single sway. He fell by assassination, in the midst of his warlike measures, and dissensions prevented his fa-

mily from maintaining what he had achieved[14]. Alexander, engaging in hostilities with Thebes, now at the height of its power, lost all but Pheræ itself[15], and this was taken from his murderer, Lycophron II., by Philip of Macedon, whose aid had been implored by the Aleuadæ against him. Thessaly immediately changed masters; its dynasts were Philip's vassals[16], and it continued dependent on the Macedonian kings[17] until the battle of Cynoscephalæ, B. C. 197, brought it under the protection of the Romans, who restored to it a semblance of freedom[18].

1) Compare Xenoph. Hellen. vi. 1. 4—7; 4. 32; Diodor. xv. 60; Isocr. ad Philipp. p. 252; and on his surname Prometheus, Wyttenb. ad Plut. Morr. p. 89, C.; compare Xenoph. Hellen. ii. 3. 35, and Creuz. ad Cicer. de N. D. iii. 28 (?)

2) See Platon. Men. p. 70. A.: *Θετταλοὶ εὐδόκιμοι ἦσαν ἐν Ἕλλησι καὶ ἐθαυμάζοντο ἐφ' ἱππικῇ τε καὶ πλούτῳ.* Hipp. Maj. p. 284. A.; de Legg. i. p. 625. D.; Polyb. iv. 8. 10; Justin. vii. 6; Pausan. x. 1. 2; compare Jacobs ad Anthol. gr. ii. 2. p. 500, and Wachsm. i. 1. p. 38.

3) Compare at large Barthélémy, Voy. d'Anach. ch. xxxv.; t. iii. p. 211, sqq.; Tittmann, p. 713—721; Kortüm, p. 76—83; Pastoret, viii. p. 406—433; Wachsm. i. 1. p. 129.

4) See above, §. 15. n. 9—12.

5) One important authority is Thucyd. ii. 22: *καὶ ἀφίκοντο Λαρισσαῖοι, Φαρσάλιοι, Παράλιοι, Κρανώνιοι, Πειράσιοι, Γυρτώνιοι, Φεραῖοι· ἡγοῦντο δὲ αὐτῶν ἐκ μὲν Λαρίσσης . . . ἐκ δὲ Φαρσάλου Μένων, ἦσαν δὲ καὶ τῶν ἄλλων κατὰ πόλεις ἄρχοντες*, from which passage however Poppo is wrong in concluding, Prolegg. i. 2. p. 307, *Pharsaliis et Larissæis summum imperium fuisse.*

6) See above, §. 12. n. 7; §. 19. n. 14; and on the subject at large, Müller's Dorians, ii. 65, sqq. Strabo, it is to be remarked, ix. p. 671. D., says that the Perrhæbi were tributary only to the Larissæi.

7) *Ταγός*, see Dawes Misc. Crit. p. 245, and more particularly Buttmann, on the family of the Aleuadæ (Abhh. d. Berl. Acad. v. 1823), in his Mythol. ii. p. 273, sqq.; Xenoph. says expressly, l. l. §. 4: *ὅταν ταγεύηται Θετταλία, εἰς ἑξακισχιλίους μὲν οἱ ἱππεύοντες γίγνονται, ὁπλῖται δὲ πλείους ἢ μύριοι καθίστανται.* Also styled *βασιλεύς*, or *ἀρχός*, according to Dionysius Hal. v. 74. Afterwards single cities affected to call their magistrates *ταγοί*. See the C. Inscr. n. 1770, and compare Herodot. v. 63.

8) Thucyd. iv. 78: *δυναστείᾳ μᾶλλον ἢ ἰσονομίᾳ*, (§. 58. n. 11., *ἐχρῶντο τῷ ἐγχώριον οἱ Θεσσαλοὶ*: comp. Max. Tyr. xxii. 4, who, indeed, places them in this respect in juxta-position with Lacedæmon and Crete) see further the valuable remarks of Schneider ad Aristot. Pol. p. 494—499.

9) Βασιλῆες Θεσσαλίης, Her. vii. 6. The descendants of Aleuas, the red-haired (πυῤῥός); comp. Plut. de Frat. Amor. c. 21, and see more on the subject at large in Valesius ad Harpocr. p. 185, Boeckh ad Pindar. Pyth. x. p. 331—333, Buttmann, l. l. p. 246—293; Hüllmann's Staatsr. p. 101; Tittmann, p. 388, and Neum. ad Aristot. Fragm. p. 115.

10) Compare Periz. ad Ælian. Var, Hist. xii. 1; Spalding, ad Quinctil. xi. 2, 15; Heindorf, ad Plat. Protag. p. 567, and Boeckh, l. l. p. 333; Buttmann, p. 268—271; Wachsmuth, i. 2. p. 107; also, Kortüm, p. 81, who, however, following Schneider, erroneously places them at Pharsalus, where the reigning family appears rather to have been a branch of the Aleuadæ; compare, Thucyd. i. 111. with Buttmann's remarks, l. l. p. 283—285.

11) Hence the expedition of Leotychides against them; Plut. de Malign. Her. c. 21; comp, §. 32, n. 6; §. 47. n. 2. They certainly vied with the ancient tyrants of Greece, (see above, §. 64. n. 5), in their love of splendour, and in their hospitable patronage of poets and men of genius. See particularly on this point, P. G. Ducker, præs. R. M. van Goens, de Simonide Ceo (Traj. ad Rh. 1768.) p. 59 and 97, sqq. On the residence of Gorgias in Thessaly, see Plato's Men. p. 70. B; Isocr. π. ἀντιδ. p. 83. Orelli; Philostr. Vitt. Sophist. i. 16. 2.

12) Hence the ἄρχων μεσίδιος in Larissa, Aristot. Pol. v. 5. 9, coll. Eth. Nic. v. 4. 7; Polydamus (was this the Pancratist of Scotussa? see the commentt. ad Lucian. de Hist. Conscr. p. 223.) in Pharsalus, ᾧ στασιάζοντες οἱ Φαρσάλιοι παρακατέθεντο τὴν ἀκρόπολιν καὶ τὰς προσόδους ἐπέτρεψαν λαμβάνοντα . . . ἀναλίσκειν, Xenoph. Hellen. vi. 1. 2; comp. also, Thucyd. ii. 22: ἡγοῦντο δὲ αὐτῶν ἐκ μὲν Λαρίσσης Πολυμήδης καὶ Ἀριστόνους, ἀπὸ τῆς στάσεως ἑκάτερος, and Wachsmuth, i. 2. p. 300, whose conjectures are however in some respects too bold. It is evident from Aristot. Pol. v. 5. 7, that the dissensions were generally between the oligarchs themselves; even the election by open vote of the πολιτοφύλακες at Larissa, (ibid. §. 5), appears to have been merely a concession to the ὄχλος. The Λαρισσοποιοί, (iii. 1. 19), were more democratic, although the name δημιουργὸς does not of itself denote a democratic magistrate; see Müller's Dorians, ii. p. 145, sqq.

13) Xenoph. Hellen. ii. 3. 4; Diodor. xiv. 82.

14) On this point at large, compare Xenoph. Hellen. vi. 4. 20—37, and see more in Valcken de Philippo, p. 259, sq.; Wachsm. i. 2. p. 327, sq.; on Alexander, (369—357, Diodor. xv. 61), see particularly, Plut. Vit. Pelop. c. 26—35. Xenoph. §. 35, says briefly but satisfactorily, ἐπεὶ δ' αὐτὸς παρέλαβε τὴν ἀρχήν, χαλεπὸς μὲν Θετταλοῖς ταχὺς ἐγένετο, χαλεπὸς δὲ Θηβαίοις, καὶ Ἀθηναίοις πολέμιος, ἄδικος δὲ λῃστὴς καὶ κατὰ γῆν καὶ κατὰ θάλατταν. On his connection with Athens at a different period, see Demosth. adv. Aristocr. p. 660. 5. adv. Polycl. p. 1207. 17, de Cor. Trierarch. p. 1230. 16; Diodor. xv. 95.

15) See the conditions of the peace in Plut. c. 35: Θεσσαλοῖς μὲν ἀποδοῦναι τὰς πόλεις ἃς εἶχεν αὐτῶν· Μάγνητάς τε καὶ Φθιώτας καὶ Ἀχαιοὺς ἀφεῖναι καὶ τὰς φρουρὰς ἐξαγαγεῖν· ὁμόσαι δ' αὐτὸν, ἐφ' οἷς ἂν ἡγῶνται καὶ κελεύωσιν, ἀκολουθήσειν: comp. Diodor. xv. 80.

16) See Buttmann, ubi sup. p. 287—291; Wachsm. i. 2. p. 375; Voemel Prolegg. ad Philipp, i. §. 24. p. 85—90; Winiewski, l. l. p. 48—50; particularly the two passages in Demosth. Philipp. ii. p. 71. 10: τί δ' οἱ Θετταλοί; ἆρ' οἴεσθ' ὅτ' αὐτῶν τοὺς τυράννους ἐξέβαλε καὶ πάλιν Νίκαιαν καὶ Μαγνησίαν ἐᾶσον, προσδοκᾶν τὴν καθεστῶσαν νῦν ἑκάδαρ-

χίαν ἔσεσθαι παρ' αὐτοῖς; again, iii. p. 117. 25: ἀλλὰ Θετταλία πῶς ἔχει; οὐχὶ τὰς πόλεις καὶ τὰς πολιτείας αὐτῶν περιῄρηται καὶ τετραδαρχίας καθέστακε παρ' αὐτοῖς, ἵνα μὴ μόνον κατὰ πόλεις, ἀλλὰ καὶ κατ' ἔθνη δουλεύωσι; conf. Harpocratio, p. 282, and, on the method of reconciling the two statements, see Voemel's Osterprogr. (Frank. a. M. 1830), coll. de Thessaliæ inc. antiqu. (ibid. 1820.) p. 26.

17) Polyb. iv. 76. 2: Θετταλοὶ μὲν γὰρ ἐδόκουν κατὰ νόμους πολιτεύειν καὶ πολὺ διαφέρειν Μακεδόνων· διέφερον δ' οὐδὲν καὶ πᾶν ὁμοίως ἐποίουν τὸ προσταττόμενον τοῖς βασιλικοῖς. Hence in Eusebius, (Armen. i. p. 160—162), the kings of Macedon down to the battle of Cynoscephalæ are enumerated as *Thessalorum reges*. See Fr. Horn de Thessaliâ Macedonum imperio subjecta, (Gryphiæ, 1829.)

18) Liv. xxxiii. 34; xxxiv. 51; comp. Polyb. xviii. 30. 7. For a list of their Strategi, see Euseb. l. l. with Niebuhr's histor. Gewinn aus der armen. Uebers. d. Eus. (Abhh. d. Berl. Acad. v. 1819.) in his kl. Schriften, i. p. 241—249.

§. 179. The history of the Bœotian confederacy may be traced much further back[1]. The whole population of the country was not less than that of Attica[2], but unanimity did not always prevail, nor consequently did the confederacy always possess equal influence. It is not possible to ascertain exactly what, or what number of states it originally comprised. Thebes, however, Orchomenus, Lebadeæ, Corone, Copæ, Haliartus, Thespiæ, Tanagra, and Anthedon, are known to have belonged to it, and in order to make up their favourite number, fourteen, we must add Chalia and Chæronea, Platæa, Oropus, and Eleutheræ[3]. Of these first Eleutheræ[4], and then Platæa[5], joined Athens at a very early period, Larymna of Locris on the other hand, united with Bœotia[6]. Oropus was captured by the Athenians, in whose hands it remained until, after various vicissitudes, it was recovered to the league, Ol. cxvii.[7]; Platæa, after having twice been destroyed in punishment for its desertion, rejoined it at the same time[8]. Chæronea again was subject to Orchomenus, at least in the time of the Peloponnesian war[9], and, in fact, most of the states we have mentioned had at that time various petty dependencies[10]. The double vote given by Thebes in the council of

war held before the battle of Delium, B. C. 424, probably arose from its having incorporated with itself one of the members of the league [11], at all events the appointment of eleven Bœotarchs on that occasion, shows that the confederacy then comprised, at the most, only ten independent states [12]. We are not able to say whether the number of the four senates which were then also charged with deciding definitively on peace or war [13] was connected with any territorial division [14].

1) Comp. O. Müller in his Orchomenos, p. 402—413, and in Ersch and Gruber's Encykl. xi. p. 268—271; G. A. Klütz de Fœdere Bœotico, (Berl. 1821); Tittmann, p. 693—707; Kortüm, p. 83—89; Poppo's Prolegg. in Thucyd. t. ii. p. 292—296; Raoul-Rochette sur la forme et l'administration de l'état fédératif des Béotiens, in the Mém. de l'Acad. des Inscr. t. viii. (1827), p. 214—249; Boeckh de magistratibus Bœotorum, in the C. Insc. i. p. 726—732; Wachsmuth, i. 1. p. 128.

2) Xenoph. Mem. iii. 5. 2; comp. Clinton's Fasti, ii. p. 399.

3) Compare, besides the authorities already quoted, Clinton, F. H. ii. p. 396, and Kruse's Hellas, ii. p. 546. On the superstitious veneration of the numbers fourteen and seven, and their frequent occurrence in Bœotia, see Müller's Orchom. p. 222, and Boeckh, l. l. p. 729. Authorities for the several states are found in Thucyd. iv. 91 and 93; Pausan. ix. 3. 4, and C. Inscr. n. 1593. Ocaleæ and Onchestus, (see Müller,) were not independent; the same was the case with Clinton's Parasopia, comp. Strab. ix. p. 627. B; On Larymna and Acræphia, see below.

4) See above, §. 102. n. 5, and Hemsterh. ad Luc. D. M. xxvii. 2; also Plut. Quæstt. gr. c. 39.

5) See §. 35. n. 1, and Klütz, p. 41—50.

6) Pausan. ix. 23. 4; comp. Plut. Sull. c. 26; Strab. ix. p. 621. A.

7) Strab. ix. p. 612. A: *Ὡρωπὸς ἐν ἀμφισβητησίμῳ γεγένηται πολλάκις· ἵδρυται γὰρ ἐν μεθορίῳ τῆς τε Ἀττικῆς καὶ τῆς Βοιωτίας.* Comp. above, §. 172. n. 10; §. 174. n. 2, and see more in Müller, Orch. p. 411; Clinton, p. 396, and Boeckh ad C. Inscr. i. p. 711, and 738.

8) See above, §. 117. n. 2, and on this reconciliation, Pausan. ix. 3. 4: *διαλλαγῆναι γὰρ καὶ οὗτοι Πλαταιεῦσιν ἠξίωσαν καὶ συλλόγου μετασχεῖν κοινοῦ . . ὅτε Κάσσανδρος ὁ Ἀντιπάτρου τὰς Θήβας ἀνῳκισε.*

9) Thucyd. iv. 76: *Χαιρωνείαν δὲ, ἣ εἰς Ὀρχομενὸν τὸν Μινύειον πρότερον καλούμενον, νῦν δὲ Βοιώτιον* (Str. ix. p. 616. A), *συνετέλει.*

10) See Müller Orchom. p. 403; Clinton, F. H. ii. p. 399.

11) Acræphia (Paus. ix. 23. 3,) according to Boeckh's conjecture.

12) Thucyd. iv. 91: *τῶν ἄλλων Βοιωταρχῶν, οἵ εἰσιν ἕνδεκα, οὐ ξυνεπαινούντων μάχεσθαι . . Παγώνδας Βοιωταρχῶν ἐκ Θηβῶν μετ' Ἀριανθίδου καὶ ἡγεμονίας οὔσης αὐτῷ . . ἔπειθε, κ. τ. λ.*, Müller (Orch. p. 404), and after him, Klütz, (p. 79), discover in this passage *twelve* Bœ-

otarchs, (compare also, Wessel. ad Diodor. xv. 53), but the former has since revoked his opinion, on the suggestion of Boeckh, (p. 729). Comp. G. G. A. 1830, p. 1072.

13) Thucyd. v. 38: *πρὶν δὲ τοὺς ὅρκους γενέσθαι, οἱ Βοιωτάρχαι ἐκοίνωσαν ταῖς τέσσαρσι βουλαῖς τῶν Βοιωτῶν ταῦτα, αἵπερ ἅπαν τὸ κῦρος ἔχουσι.* Comp. Klütz, p. 73, sqq. Raoul-Rochette, p. 235, sqq.

14) So Kortüm, p. 86, whose whole account of the league rests however on a mistake.

§. 180. The confederates held their religious festival of the Pambœotia at Coronea[1], but Thebes was the political head of the league, so far as it could be said to have one[2]. The defection of Platæa may serve as an instance of the difficulties Thebes experienced on first attempting to assert this pre-eminence; how far it had established it at the time of the Persian war cannot be ascertained, since the defeat in which it was involved at Platæa completely put an end to all such superiority, until Sparta, B. C. 457, became interested in restoring it[3]. The oligarchs of the several states readily co-operated; the victory won by the Athenians at Œnophytœ gave indeed a momentary superiority to the democratical party, but such was their misconduct[4] that the oligarchs speedily recovered their ground, and firmly settled their power by the brilliant victory of Coronea, B. C. 447. It was the prevalence of the oligarchical form of government which prevented an actual rupture between Sparta and Bœotia[5], notwithstanding the disaffection of the democratical party and the constant commotions they excited[6]. The Theban oligarchy was however of a moderate description[7], having been founded by the Corinthian Philolaus for the security of persons and property[8], so as to approach much nearer to the democracy than the exclusive aristocracy of knights in Orchomenos, or the Demuchi in Thespiæ[9]. These facts, considered in connection with the restless grasping ambition of Thebes, are sufficient to explain, without the hypothesis of an actual change of government in that

state, how it came to be soon engaged in hostilities against those cities [10], and even against Sparta itself, in the Corinthian war. The manner in which the independence of the Bœotian cities was expressly guaranteed in the peace of Antalcidas, by which that war was closed, sufficiently declares the secret of their anxiety, (see §. 41.) At all events we see Leontidas, Archias, and other partisans of Sparta, admit Phœbidas to garrison the Cadmea, with the view of establishing, under his protection, a dynasty similar to those prevalent in the other Bœotian states [11], retaining old forms and titles [12], styling themselves Polemarchs and Hipparchs [13], which were the common appellations of the highest magistrates in all the states of Bœotia, though it is probable, that the Archon was actually supreme [14]. Hence, Ismenias was judicially murdered [15], not so much as a democrat as on account of his hostility to Sparta. A democracy seems to have been first formed in Thebes on the Athenian model [16], when those of his party who were exiled returned from Attica, B. C. 379, under Pelopidas and Mellon.

1) Pausan. ix. 34. 1: *πρὶν δὲ ἐς Κορώνειαν ἐξ Ἀλαλκομενῶν ἀφικέσθαι, τῆς Ἰτωνίας Ἀθηνᾶς ἐστι τὸ ἱερόν· καλεῖται δὲ ἀπὸ Ἰτωνίου τοῦ Ἀμφικτύονος, καὶ ἐς τὸν κοινὸν συνίασιν ἐνταῦθα οἱ Βοιωτοὶ σύλλογον.* Compare Strab. ix. p. 631. A.; Plut. Amat. Narr. c. 4; Meurs. Græcia feriata s. v. *Παμβοιώτια*; Spanheim ad Callim. H. in Pallad. v. 61; Klütz, p. 91, sqq.—Ste.-Croix, des gouv. féd. p. 211, sqq., makes the celebration of this religious festival to have been the sole object of the league, but see Raoul-Rochette, l. l. p. 217—226; is this last writer, however, correct in connecting with it the Amphictyony of Onchestus (see above, §. 11. n. 8)?

2) See Manso on the relations subsisting between Thebes and the other cities of Bœotia, in his Sparta, iii. 2. p. 58—64; Boeckh's Publ. Œcon. ii. p. 396, n. 503, extr.; and Klütz, p. 9—18; also, particularly, Thucyd. iii. 61: *ἡμῶν κτισάντων Πλάταιαν ὕστερον τῆς ἄλλης Βοιωτίας καὶ ἄλλα χωρία μετ' αὐτῆς, ἃ ξυμμίκτους ἀνθρώπους ἐξελάσαντες ἔσχομεν, οὐκ ἠξίουν οὗτοι, ὥσπερ ἐτάχθη τὸ πρῶτον, ἡγεμονεύεσθαι ὑφ' ἡμῶν, κ. τ. λ.* Compare however Xenoph. Mem. iii. 5. 2: *Βοιωτῶν μὲν γὰρ πολλοὶ, πλεονεκτούμενοι ὑπὸ Θηβαίων, δυσμενῶς αὐτοῖς ἔχουσιν.*

3) Diodor. xi. 81; Justin. iii. 6; compare Thucyd. i. 107, sqq.

4) Aristot. Polit. v. 2. 6: *Οἷον καὶ ἐν Θήβαις μετὰ τὴν ἐν Οἰνοφύτοις μάχην κακῶς πολιτευομένων ἡ δημοκρατία διεφθάρη.* See more above, §. 37. n. 7.

5) Thucyd. v. 31; compare §. 38. n. 6—12.

6) Thucyd. iv. 76, vi. 95; Diodor. xii. 69.

7) Thucyd. iii. 62; comp. Pausan. ix. 6. 1; and above, §. 58. n. 11.

8) Aristot. Polit. iii. 3. 4: *τὸν δέκα ἐτῶν μὴ ἀπεσχημένον τῆς ἀγορᾶς μὴ μετέχειν ἀρχῆς*: comp. vi. 4. 5, and concerning Philolaus (about Ol. xiii.) ii. 9. 68; his object was particularly, *ὅπως ὁ ἀριθμὸς σώζηται τῶν κλήρων*: compare Müller's Dorians, ii. p. 199, sqq.; Klütz, p. 21, sqq. Nor is the passage in Plato, de Legg. i. p. 636. B., to be overlooked: *τὰ γυμνάσια ταῦτα καὶ τὰ ξυσσίτια πολλὰ μὲν ἄλλα νῦν ὠφελεῖ τὰς πόλεις, πρὸς δὲ τὰς στάσεις χαλεπά· δηλοῦσι δὲ Μιλησίων καὶ Βοιωτῶν καὶ Θουρίων παῖδες.*

9) See Diodor. iv. 29, and xv. 79. In Thebes, on the other hand, we find no traces of the authority of the *Sparti*, although they continued to exist down to the latest times of Greece; compare Pausan. viii. 11. 5, and see more in Joh. Jönsen, Epistola de Spartis, in Grævii Syntagma variarum dissertationum rariorum (Ultraj. 1702), p. 205—225; Siebel. ad Philoch. Fragm. p. xxi.; Wachsm. i. 1. p. 151; Lobeck Aglaopham. ii. p. 1147.

10) Müller's Orch. p. 418, sqq.; and also Xenoph. Hellen. vi. 4. 10.

11) Xenoph. Hellen. v. 4. 46.

12) Xenoph. Hellen. v. 2. 25: *στασιαζόντων δὲ τῶν Θηβαίων πολεμαρχοῦντες μὲν ἐτύγχανον Ἰσμηνίας τε καὶ Λεοντιάδης· διάφοροι δὲ ὄντες ἀλλήλοις καὶ στρατηγὸς ἑκάτερος τῶν ἑταιριῶν, κ. τ. λ.*

13) Plut. de Dæm. Socr. c. 4, 5.

14) See Boeckh, l. l. p. 730.

15) See Xenoph. Hellen. v. 2. 36, and more concerning this man, whose wealth had become proverbial, in the commentt. on Plat. Meno, p. 90. A., and Republ. i. p. 336. A.

16) See §. 41. n. 14; and on the Theban democracy, Tittmann, p. 377, and Wachsm. i. 2. p. 283, sqq. What is the date to be assigned to the state of things mentioned in Xenoph. Rep. Ath. iii. 11: *ὁποσάκις δ' ἐπεχείρησαν αἱρεῖσθαι τοὺς βελτίστους (οἱ Ἀθηναῖοι), οὐ συνήνεγκεν αὐτοῖς, ἀλλ' ἐντὸς ὀλίγου χρόνου ὁ δῆμος ἐδούλευσεν, ὁ μὲν Βοιωτοῖς, τοῦτο δὲ ὅτε Μιλησίων εἵλοντο τοὺς βελτίστους (?)*

§. 181. With the democracy commenced the political greatness of Thebes, for though we should adopt the often repeated opinion of Polybius, that it was to be ascribed to the good fortune which placed Epaminondas and Pelopidas at the head of affairs, rather than to the spirit of the government itself[1]; it surely will not be denied that the necessity the Thebans were under of defending to the utmost their newly-acquired independence against a most powerful enemy, imparted unwonted energy to all, and excited every enthusiastic feeling of which man is susceptible; of the operation of such feelings a remarkable instance is af-

forded by the achievements of the sacred band of Gorgidas[2]. The event corresponded to the valour displayed in the commencement of the enterprise, and Thebes was again supreme over all Bœotia even before the battle of Leuctra had proved that it had now attained to that military superiority which had hitherto been the boast of Sparta. Thebes appeared not merely as the chief of the confederate cities, but as the capital of all Bœotia, and alone able to confer the title and rights of citizenship[3]. Agreeably to these pretensions, the seven Bœotarchs at this time repeatedly appear only as Theban magistrates[4]. It is however most true that this victory was abused[5]; the cruel destruction of Thespiæ, Orchomenos, and Platæa[6], alienated the rest of Greece, and still more offensive was the vanity with which, not content with having so effectually humiliated Lacedæmon as to have nothing more to fear from it, the Thebans proceeded to imitate the conduct of Athens, and to lay claim to the empire that state had once possessed[7]. Well might the tyrant of Pheræ then collect troops and gain a decided influence in some places in the Peloponnesus[8]. But even the recognition of their supremacy, which the eloquence of Pelopidas obtained of the king of Persia, had no influence on the majority of the Peloponnesians, whom he had himself first summoned to assert their freedom[9]. Athens was still strong enough to repel their incursions into Eubœa; and eventually, after the fall of Epaminondas, at Mantinea, B. C. 362, Phocis, Locris, and other states which had joined them after the battle of Leuctra[10], were acknowledged to be once more independent.

1) Polybius, vi. 43; conf. Demad. Fragm. π. δωδεκ. c. 13: τῷ γὰρ Ἐπαμινώνδου σώματι συνέθαψε τὴν δύναμιν τῶν Θηβαίων ὁ καιρός: Justin. vi. 8, and on both at large, see, besides the lives of Pelopidas by Cornelius Nepos and Plutarch, Diodor. xv. 39, and 81; Pausan. ix. 13—15.

2) See Plut. Pelop. c. 18; Athen. xiii. 12, and 78; and more in Davis, ad Max. Tyr. xxiv. 2; on the idea itself (which, by the way, was not new, comp. Xenoph. Anab. vii. 4. 8), see Plat. Symp. p. 179. A.; Xenoph. Sympos. viii. 32, and Ælian. Var. Hist. iii. 9, with the note of Perizonius. On the pæderasty of the Bœotians (*Λαΐου νόμος*, comp. Ast. ad Plat. de Legg. p. 407; Meinek. Qu. Scenic. ii. p. 18), see Plat. Symp. p. 182. B., and Wytt. ad Plut. Morr. p. 134, and Fabric. ad Sext. Emp. Hypotyp. iii. 199.

3) Diodor. xv. 38: *συνεῖχον τῆν Βοιωτίαν ἐν τῇ καθ' αὐτοὺς μιᾷ συντελείᾳ*: compare c. 50, and Klütz, p. 63. Hence from that time we hear of *Βοιωτοὶ οἱ ἐν Θήβαις*, Æschin. adv. Ctesiph. c. 44; compare Xenoph. Hellen. vi. 3. 19.

4) As has been already rightly affirmed by Ubbo Emmius de rep. Theban. p. 100, and others; and Boeckh, p. 729, had the less reason to dispute this, having himself very correctly maintained that their number was seven, against Raoul-Rochette, p. 230, who, in defiance of Pausan. ix. 13. 3, talks of eleven as still the number of the Bœotarchs at this period. Compare, particularly, Plut. Vit. Pelop. c. 13.

5) See above, §. 170. n. 16, and Amersfoordt ad Demosth. de Symmor. t. i. p. 795, sq. Schæferi.

6) See Xenoph. Hellen. vi. 3. 1; Pausan. iv. 27. 5, ix. 14. 1, 15. 2; compare Demosth. pro Megalop. p. 203. 4; Isocr. de Pace, c. 7; and on Orchomenus (Ol. ciii. 2) in particular, Wessel. ad Diodor. xv. 79; Wolf ad Leptin. §. 90; Boeckh, in his Publ. Œcon. ii. p. 371; and the C. Inscr. i. p. 742; see also, on the subject at large, Winiewski, p. 24.

7) See the saying ascribed to Epaminondas, in Æschin. de F. L. c. 29: *ὡς δεῖ τὰ τῆς Ἀθηναίων ἀκροπόλεως προπύλαια μετενεγκεῖν εἰς τὴν προστασίαν τῆς Καδμείας*, and on their attempts to gain the dominion of the sea, above, §. 172. n. 5.—The preponderant influence obtained by Thebes after the battle of Leuctra, is acknowledged even by Demosth. Philipp. iii. p. 116. 25.

8) Compare §. 42. n. 13; §. 178. n. 15; and Wachsm. i. 2. p. 301.

9) Xenoph. Hell. vii. 1. 33—39; compare Plut. Vit. Pelop. c. 24: *Ἀργεῖοι καὶ Ἠλεῖοι καὶ Ἀρκάδες ἐν τοῖς συνεδρίοις ἐρίζοντες καὶ διαφερόμενοι πρὸς τοὺς Θηβαίους ὑπὲρ ἡγεμονίας.*

10) Xenoph. Hellen. vi. 5. 23; Diodor. xv. 57.

§. 182. Thebes however could not rest; Phocis had long been an object of its ambition[1], and seemed likely to prove an easy prey, now that it had been placed under the ban of the Amphictyons on a charge of sacrilege against the temple at Delphi. But this very circumstance gave the Phocians new strength, for, finding themselves denounced to all Greece as sacrilegious, they proceeded actually to employ the treasures of the temple in hiring crowds of mercenaries, by whose means, with only feeble and indirect support

from Athens and Lacedæmon, they so successfully[2] resisted the united forces of the Thebans and Thessalians, that the former were soon compelled to sell their services to the Great King in order to obtain his support[3], and both eventually called Philip of Macedon to their assistance[4]. He made indeed an end of the Phocian state, and recovered to the Bœotians the places which the Phocians had taken, but all the real advantages of the war he kept for himself, and soon so greatly excited the jealousy of his allies[5], that the latter were easily induced to co-operate in the last attempt which Athens made to check the growth of his power. Owing to the advantages offered by Thebes as a military position, the consequences of the battle of Chæronea naturally fell on it; the conqueror not only restored Thespiæ, Orchomenos, and Platæa to the rank of independent cities, and assigned Oropus to the Athenians[6], but also posted a garrison in the Cadmea; the expulsion of which, at his death, only gave occasion to the total destruction of the city by Alexander[7]. Its territory was divided among the other Bœotian towns, and hence in the Lamian war they sided with Macedon[8]. Cassander first restored it amid the applause and with the zealous co-operation of all the rest of the Greeks[9]; and with Thebes arose again the Bœotian league in its original form[10]. But the national spirit was gone[11]; its weakness first appeared in the war with Ætolia, and the defeat experienced about Ol. cxxxii.[12], together with the effects of a wild spirit of democracy, so shattered it, that Megara forsook the Bœotian to join the Achæan league[13]. After the rise of the Roman influence in Greece, the internal feuds of the league assumed a more important and dangerous character, from the circumstance that, both in the war against Philip[14] and in that against Antio-

chus[15], the party inimical to Rome gained the upper-hand; and when, during the reign of Perseus, Thebes at last declared openly in favour of Rome, the obstinacy of the other states occasioned a dissolution of the league[16]; nor was it ever revived, except for a short time after the destruction of Corinth, and under the supremacy of Rome[17]. Bœotia was, finally, the scene of the war between Sylla and the generals of Mithridates[18], after which Thebes rapidly sank into nothingness[19].

1) Xenoph. Hellen. vi. 1. 1.

2) Diodor. xvi. 23, sqq.; Pausan. x. 2; comp. §. 13. n. 6.

3) Diodor. xvi. 34. 40. 44.

4) Diodor. xvi. 58, sqq.; comp. Demosth. de Falsa Legat. p. 387: . . . . *κακῶν Ἰλιὰς περιεστήκει Θηβαίους.*

5) Demosth. de Pace, p. 62: *οἷον Θηβαῖοι τὸν μὲν Φίλιππον παρελθεῖν καὶ λαβεῖν τὰς παρόδους* (§. 172. n. 20), *οὐκ ἠδύναντο κωλῦσαι, οὐδέ γε τῶν αὐτοῖς πεπονημένων ὕστατον ἐλθόντα τὴν δόξαν ἔχειν. Νυνὶ γὰρ Θηβαίοις πρὸς μὲν τὸ τὴν χώραν κεκομίσθαι κάλλιστα πέπρακται, πρὸς δὲ τιμὴν καὶ δόξαν αἴσχιστα· εἰ γὰρ μὴ παρῆλθε Φίλιππος, οὐδὲν ἂν αὐτοῖς ἐδόκει εἶναι, ταῦτα δ' οὐκ ἠβούλοντο, ἀλλὰ τῷ τὸν Ὀρχομενὸν καὶ τὴν Κορώνειαν λαβεῖν ἐπιθυμεῖν, μὴ δύνασθαι δὲ, ταῦτα πάντα ὑπέμειναν.* Conf. Philipp. ii. p. 67. 26: *τοὺς δὲ Θηβαίους ἡγεῖτο, ὅπερ συνέβη, ἀντὶ τῶν ἑαυτοῖς γιγνομένων τὰ λοιπὰ ἐᾶσειν ὅπως βούλεται πράττειν αὐτὸν καὶ οὐχ ὅπως ἀντιπράξειν καὶ διακωλύσειν, ἀλλὰ καὶ συστρατεύσειν, ἂν αὐτὸς κελεύῃ*: and de F. L. p. 385. 5. On the complaints of Thebes against Philip, see Winiewski, p. 223.

6) Diodor. xvi. 87; Pausan. i. 34. 1; iv. 27. 5; ix. 1, extr., and 37, extr. He had already promised it to Athens, in the peace concluded B. C. 347; comp. Demosth. de Pace, p. 59; de F. L. p. 375.

7) Diodor. xvii. 13; Justin. xi. 4; Æl. Var. Hist. xii. 57; xiii. 7; Plut. Vit. Camill. c. 19.

8) Diodor. xviii. 11: *Ἀλέξανδρος Θήβας κατασκάψας τὴν χώραν τοῖς περιοικοῦσι Βοιωτοῖς ἔδωκεν· οὗτοι δὲ κατακληρουχήσαντες τὰς τῶν ἠτυχηκότων κτήσεις ἐκ τῆς χώρας μεγάλας ἐλάμβανον προσόδους· διόπερ εἰδότες ὅτι κρατήσαντες Ἀθηναῖοι τῷ πολεμῳ τοῖς Θηβαίοις ἀποκαταστήσουσι τήν τε πατρίδα καὶ τὴν χώραν, ἀπέκλιναν πρὸς τοὺς Μακεδόνας.* Comp. Pausan. i. 25. 4.

9) Diodor. xix. 54; Pausan. iv. 27. 5; ix. 7. 1; but compare also vii. 6. 5: *Θηβαίοις δὲ ἐς τοσοῦτον ἠρήμωσεν Ἀλέξανδρος τὴν πόλιν, ὡς ἔτεσιν ὕστερον οὐ πολλοῖς καταχθέντας ὑπὸ Κασσάνδρου μηδὲ σώζειν τὰ οἰκεῖα ἀξιόχρεως εἶναι,* referring more immediately indeed to its capture by Demetrius, Ol. cxxii. 2 (Diodor. xxi. p. 273, tom. ix. Bip.; Polyän. Strategg. iv. 7. 11).

10) In fact most of the particulars known respecting the *κοινὸν τῶν Παμβιωτῶν*, those especially obtained from the inscriptions in Osann's

Syll. iv. p. 179, sqq., and Boeckh's C. Inscr. part v. Cl. 1, belong to this period. Thus the *ἄρχων τοῦ κοινοῦ, fortasse antiquioribus temporibus nondum exstabat* (Boeckh, p. 729), an office which is however confounded by Raoul-Rochette with those of Bœotarch, and of Archon, in the several cities.

11) Comp. Athen. x. 11, and on the proverbial grossness of this people (*Βοιωτία ὗς, ἀναισθησία*), Jacobs ad Athenæum, p. 117; Boeckh ad Pind. Olympion. vi. p. 162, and more in the Note in d. Allg. Schulz. 1830, p. 506.

12) See Plut. Vit. Arat. c. 16, and more in Lucas über Polybius Darst. d. ätol. Bundes, p. 82.

13) See the description in Polybius, xx. c. 4—6, and comp. Drumann's Verfall. p. 439; Raoul-Rochette, p. 237, sqq.

14) Polyb. xviii. 26; Liv. xxxiii. 1. 2. 27—29.

15) Polyb. xxiii. 2; Liv. xxxvi. 6.

16) Liv. xlii. 43. 44. 63; Polyb. xxvii. 1 and 5.

17) Pausan. vii. 15 and 16; compare Boeckh, p. 727.—Raoul-Roch. however, p. 239, considers the dissolution of the league mentioned by Pausanias to have been confounded by that author with the preceding.

18) Pausan. ix. 7. 4; 33. 4; comp. Appian. B. Mithrid. p. 190.

19) Dio Chrysost. vii. p. 123. B; Pausan. viii. 33. 1: *τὸ ὄνομα τῶν Θηβῶν ἐς ἀκρόπολιν μόνην καὶ οἰκήτορας καταβέβηκεν οὐ πολλούς*: concerning the other cities, see id. i. 23. 3, coll. Strab. ix. p. 617. D.

§. 183. The Ætolian league, on the other hand, did not develope its powers, nor indeed decidedly assume the character of a confederacy, until the other states of Greece had fallen beneath the power of Macedon, to which this league long continued a dangerous foe. The remoteness of their situation, which had, on the one hand, kept the Ætolians strangers to the civilisation of the rest of Greece[2], had, on the other, enabled them to remain, with the exception of a few brief intervals, perfectly independent. At the death of Alexander, almost they alone were still free[3], and the active part they took against Antipater[4] in the Samian war, showed that they knew full well the importance of that freedom. Even after the defeat of their allies, they maintained a desperate resistance[5] in the fastnesses of their mountains, and when Antipater went into Asia, they seized Locris, and for a time kept possession of Thessaly[6]. They shortly afterwards powerfully supported their countryman Polysperchon against Cas-

sander, by seizing on the pass of Thermopylæ, which the latter had the greatest difficulty in forcing[7]. The old border hatred of their neighbours the Acarnanians[8], of which their antagonist knew well how to avail himself, caused them much inconvenience, but they retained possession of Phocis and Locris[9], and compelled Heraclea Œtæa to join their league[10]. They made themselves masters of the sacred Delphic territory[11], so that Demetrius Poliorcetes was compelled, B. C. 290, to celebrate the Pythian festival in Athens[12], and, on this account, a few years afterwards, the last Amphictyonic war was undertaken against them by the Spartan king Areus[13], the more readily as they had then entered on terms of amity with Antigonus Gonatas, the conqueror of so many Peloponnesian towns. They were, however, almost immediately afterwards engaged on the side of the Greeks against the Gauls at Thermopylæ[14]. Their alliance with Antigonus seems to have wholly terminated on his accession to the throne of Macedonia[15], and they even joined their rivals the Achæans against his son Demetrius[16]. Even if, as is said, they conspired with Antigonus Doson to destroy the Achæan league[17], the alliance between that prince and Macedon, B. C. 224, changed the whole posture of affairs, and from that time forth Ætolia was much rather the natural ally of Sparta against both[18].

1) Compare, on this subject at large, Ubbo Emmius, ii. p. 257—288; Sainte-Croix, p. 203—210; Drumann, p. 494—504; Titmann, p. 721—728; Pastoret, viii. p. 374—383; Wachsm. i. 2. p. 391, sq., and Chr. Lucas über Polybius Darstellung des ätolischen Bundes (Königsb. 1827.)

2) Comp. Thucyd. i. 5, and also particularly, iii. 94: *τὸ γὰρ ἔθνος μέγα μὲν εἶναι τῶν Αἰτωλῶν καὶ μάχιμον, οἰκοῦν δὲ κατὰ κώμας ἀτειχίστους καὶ ταύτας διὰ πολλοῦ, καὶ σκευῇ ψιλῇ χρώμενον . . . ἐπιχειρεῖν δ' ἐκέλευον πρῶτον μὲν Ἀποδώτοις, ἔπειτα δὲ Ὀφιονεῦσι καὶ μετὰ τούτους Εὐρυτᾶσιν ὅπερ μέγιστον μέρος ἐστὶ τῶν Αἰτωλῶν, ἀγνωστότατοι δὲ γλῶσσαν καὶ ὠμοφάγοι εἰσίν*, on which see Poppo in his Prolegg. i. 2. p. 158, sqq. Compare further, Polyb. iv. 3. 1. and 16. 4; Athen. xii. 33; Max. Tyr. xxiii. 2, and more in Wachsm. i. 1. p. 64; but see also Lucas, p. 112.

3) Lucas, p. 63; comp. Diodor. xvii. 3; Polyb. iv. 29. 4.

4) Diodor. xviii. 8, sqq.; Justin. xiii. 5.

5) Diodor. xviii. 24; comp. Polyb. ix. 30. 3.

6) Diodor. xviii. 38.

7) Diodor. xix. 35 and 53; comp. Polyb. x. 41. 5.

8) Diodor. xix. 68; comp. xviii. 38, and, on this point at large, Paus. iv. 25. 2. The statement in Strabo, x. p. 707. B.: *πλεῖστον μέντοι χρόνον συνέμειναν Αἰτωλοὶ μετὰ τῶν Ἀκαρνάνων πρός τε τοὺς Μακεδόνας καὶ τοὺς ἄλλους Ἕλληνας*, is remarkable.

9) Polyb. xviii. 30. 9: *τοὺς δὲ Φωκέας καὶ τοὺς Λοκροὺς συνεχώρησαν αὐτοῖς ἔχειν, καθάπερ εἶχον καὶ πρότερον ἐν τῇ συμπολιτείᾳ*: comp. Boeckh ad C. Inscr. i. p. 773. But we afterwards find them leagued together in the war against Ætolia, Polyb. v. 96. 4; xi. 6. 4, probably *ἀκουσίως συμπολιτευόμενοι*, see iv. 25. 7.—Strabo's *ἐπίκτητος γῆ* (x. p. 691. B.), does not belong here. Philip Amyntas had already promised them Naupactus: Demosth. Philipp. iii. p. 120.

10) Pausan. x. 21. 1; comp. Polyb. x. 42. 4.

11) Polyb. iv. 25. 8; comp. above, §. 12. n. 11.

12) Plut. Vit. Demetr. c. 40, extr., coll. Athen. vi. 63.

13) Justin. xxiv. 1; comp. Lucas, p. 68.

14) Pausan. x. 20—22; comp. i. 4. 4: *τὸ γὰρ Αἰτωλικὸν προεῖχεν ἀκμῇ νεότητος τὸν χρόνον τοῦτον.*

15) Comp. Lucas, p. 72.

16) Polyb. ii. 44—46; Plut. Vit. Arat. c. 31—34.

17) Polyb. ix. 34. 6.

18) Polyb. ix. 31. 4.

§. 184. And that was the most flourishing period of the league. It had humbled Bœotia[1], was in possession of the Cephallenian islands[2]; part of Acarnania and southern Thessaly[3]; in the Peloponnesus, besides being on friendly terms with Elis[4], it held a great part of Arcadia[5], from which it had, at first, annoyed Laconia by forays[6]. The constitution of the league was essentially democratic; the general assemblies took place annually in the temple of Apollo at Thermus[7], at the commencement of autumn, when they proceeded to elect the officers of the league[8]; these were a Strategus, a Hipparch, and a secretary[9], a committee of *ἀπόκλητοι*[10] formed the permanent council, Polemarchs acted as magistrates in the several cities[11]. The new regulations introduced by Dorymachus and Scopas, B. C. 207[12], were but symptoms of the ruin in which those two leaders involved the league, by their too great love of war. First, by the

attack on Messenia, they involved it in what has been called the Social war [13], in the course of which Philip the younger of Macedon, twice penetrated into the very heart of their country, and then, with a view to repair their losses, they formed an alliance with Rome [14], who, after all, abandoned them to their fate [15]. They fought, however, once more on the side of the Romans, at Cynoscephalæ, B. C. 197 [16], against Philip who had again provoked their enmity, B. C. 201, by attacking their confederates on the Hellespont and in Asia Minor [17]. The jealousy with which the Ætolians viewed the favour shown by Rome to the Achæan league, which had sought her alliance, occasioned first a coldness [18] and eventually an open rupture between the two leagues, which was accelerated by the suggestions of Antiochus the Great, king of Syria, who called on the Ætolians to assert the independence of Greece [19]. The overthrow of Antiochus was speedily followed by the humiliation of the league [20], it was compelled to an unconditional submission, and the internal dissensions which soon afterwards followed, gave the Romans a good opportunity for asserting and enforcing their supremacy [21]; the war with Perseus subsequently proved an excuse for removing the chief men of Ætolia as hostages to Rome [22]; and finally Augustus made use of the remnant of the nation in the building and settling of the new town of Nicopolis, founded by him on the promontory of Actium [23]; an Ætolian league still continued however to exist, even as late as the time of Pausanias, who mentions that Amphissa then belonged to it [24].

1) See §. 182. n. 12. Indeed, *τὴν τῶν Παμβοιωτίων πανήγυριν εἰρήνης οὔσης παρεσπόνδησαν*, Polyb. ix. 34. 11; comp. iv. 3. 5; 25. 2.

2) Florus, ii. 9; comp. Polyb. iv. 6. 2, etc.

3) Pausan. i. 25. 4: *Ἀκαρνᾶνες εἰς τὸ Αἰτωλικὸν συντελοῦντες.* Namely, it would seem, Œniadæ, Polyb. ix. 32. 2, and Stratos, the ancient capital, Polyb. v, 14. 1; in Thessaly, Lamia, Hypata, the Pthiotian Thebes, (Polyb. v. 992), etc., comp. Tittmann, p. 722.

4) Polyb. iv. 9. 10: *ἀεὶ γάρ ποτε τῆς τῶν Ἠλείων ἀντείχοντο φιλίας Αἰτωλοὶ χάριν τοῦ διὰ τούτων ἐπιπλοκὰς λαμβάνειν πρὸς τὰς ἁρπαγὰς τὰς ἐκ Πελοποννήσου καὶ λῃστείας.*

5) Orchomenos, Tegea, Mantinea, *τὰς Αἰτωλοῖς οὐ μόνον συμμαχίδας οὔσας, ἀλλὰ καὶ συμπολιτευομένας τότε πόλεις*, Polyb. ii. 46. 2; and afterwards Phigalea, etc., comp. Polyb. iv. 3. 6; Lucas, p. 92.

6) See above, §. 48. n. 3, and Lucas, p. 91.

7) Strab. x. p. 711. C: comp. Polyb. v. 6—11. Livy sometimes mentions Thermopylæ as the place of resort, but Ste.-Croix, p. 206, following Foerster, Animadvv. in locos quosd. Polyb. p. 5, considers this a mere mistake, arising from the confounding Thermus with Thermæ.

8) Polyb. iv. 37. 2. comp. ii. 2. 8, etc.

9) Liv. xxxviii. 11.

10) Liv. xxxv. 34: *Ita vocant sanctius concilium; ex delectis constat viris.* Comp. Polyb. iv. 5. 9; xx. 1. 1.

11) Comp. Tittmann, p. 386, sqq., and Schol. Aristoph. Vesp. 1042, who seems, however, to have drawn his information only from Polyb. iv. 18. 2.

12) Polyb. xiii. 1, coll. Exc. Vat. p. 405, Mai.

13) Polyb. iv. 12, sqq. Plut. Vit. Arat. c. 47, sqq., Lucas, p. 93—114. The confederates were the Achæans, Epirots, Phocians, Macedonians, Bœotians, Acarnanians, Thessalians, and afterwards the Messenians, Polyb. iv. 9. 4.—See R. F. Merleker's Geschichte des ætolisch achaïschen Bundesgenossenkriegs. (Königsb. 1831.)

14) Liv. xxvi. 24: *Ut non his modo urbibus, quas per vim ademissent Ætolis, excedant, sed ipsam Macedoniam infestam habeant; et Acarnanas, quos ægre ferrent Ætoli a corpore suo diremtos, restituturum se in antiquam formulam juris atque ditionis eorum;* comp. Polyb. xi. 6. 5: *ἐφ' ᾧ τὰ μὲν σώματα καὶ τὰ ἔπιπλα Ῥωμαίων ὑπάρχειν, τὰς δὲ πόλεις καὶ τὴν χώραν Αἰτωλῶν*: see Lucas, p. 116.

15) Liv. xxix. 12: *Neglectæ eo biennio res in Græcia erant; itaque Philippus Ætolos desertos ab Romanis, cui uni fidebant auxilio, quibus voluit conditionibus ad petendam et paciscendam subegit pacem.* Comp. Lucas, p. 120.

16) Strab. ix. p. 574. A.

17) Polyb. xv. 23. 8: *φίλων ὑπαρχόντων καὶ συμμάχων Αἰτωλῶν, Λυσιμαχέων, Καλχηδονίων, καὶ Κιανῶν . . . στρατηγοῦ παρ' Αἰτωλῶν ἐν αὐτῇ (Κίῳ) διατρίβοντος καὶ προεστῶτος τῶν κοινῶν.*

18) Polyb. xviii. 19, sqq.

19) Polyb. xx. 1, sqq.; Liv. xxxv. 33, sqq.; Diodor. Sic. t. ix. p. 392—396, Bip.; Plut. Vit. Flamin. c. 15; Justin. xxx. 4.

20) Polyb. xxii. 9—15; Liv. xxxviii. 8—11.

21) Liv. xli. 25; xlii. 5.

22) Justin. xxxiii. 2.

23) See Strab. vii. p. 501. A; Pausan. vii. 18. 6.

24) Pausan. x. 38. 2.

§. 185. The rise of the Achæan league as a regular confederacy, is of still more recent date[1], although the celebration of a common festival by the twelve prin-

cipal cities on the northern coast of the Peloponnesus, may be traced back to the time of the Ionians, who, in consequence of the invasion of the Heraclidæ, were driven thence by the Achæans [2]. Whatever may have been the nature of their connection, (for we have no account of its particular circumstances, the very name of the country occurring but rarely and incidentally in the more ancient history,) it appears to have been dissolved by the destruction of the ancient capital, Helice, containing the sanctuary of the deity of their race, Neptune, which, together with Bura, was overwhelmed by an earthquake [3] and irruption of the sea, in the year B. C. 373. During the political commotions of later times, the several towns came into the hands of the Macedonians, or of tyrants in alliance with them [4]. It was not till B. C. 281, that four of them took advantage of the critical situation in which Antigonus Gonatas then happened to be, to shake off his yoke, and lay the foundation of a new league, which was joined by the rest in succession. This league did not however acquire internal strength till B. C. 256, when, perhaps in imitation of the Ætolians, one Στρατηγὸς, instead of two, together with a public secretary, began to be elected annually [5]: external importance was given to it in the year 251, when Aratus united to it Sicyon, his emancipated native town, and Corinth, B. C. 243, after having expelled the Macedonian garrison [6]; Megara [7], Epidaurus, and Troezen immediately followed [8].

1) Comp. on this subject at large, Mart. Schoockii Achaja vetus, (Traj. ad Rh. 1664, and in Gron. Thes. t. v. p. 2142—2208); Ubbo Emmius, ii. p. 200—256: Jac. Gothofredi Achaica s. de causis interitus reip. Achæorum oratio, in his Opusce. hist. polit. (Genev. 1641.) p. 84—116; Jo. L. Prash assertio reip. Achæorum, (Ratisb. 1686.); Th. S. Bayer's Fasti Achaici in Comm. Acad. Petropol. t. v. p. 374—448, and Numus Ægiensis illustratus, ibid. p. 361, sqq.; Bitaubé in the Mém. de l'Inst. Lit. t. iii. p. 349, sqq.; Sainte-Croix. p. 179—198; Drumann, p. 447—494; Tittmann, p. 673—688; Wachsm. i. 2. p. 392—395; Pastoret, viii. p. 222—242; E. Helwing, Geschichte des achaeischen Bundes, (Lemgo, 1829.);

also, D. Sestini sopra le medaglie antiche relative alla confederazione degli Achei, (Milano, 1817.) The chief authority is Polybius, and after him, Strab. viii. p. 589—524, and Pausan. vii. 6—16.

2) Comp. Thucyd. ii. 9; v. 82; Xenoph. Hellen. vi. 2. 2; vi. 4. 18; vii. 1. 42; vii. 4. 28; vii. 5. 1. 18, where, however, it would seem that only the most powerful of the cities, namely Pellene, is meant; compare the dissertation of W. Wachsmuth, de vett. Scriptt. Græcorum levitate quâdam a peculiari rerum gestarum ratione accurate definienda aberrante, (Lips. 1825.) p. 6, sqq.

3) See above, §. 17. n. 20, and Strab. viii. p. 592. A: *οἱ μὲν οὖν Ἴωνες κωμηδὸν ᾤκουν, οἱ δ' Ἀχαιοὶ πόλεις ἔκτισαν, ὧν εἴς τινας ὕστερον συνῴκισαν . . . ἑκάστη δὲ τῶν δώδεκα μερίδων ἐκ δήμων συνεστήκει ἑπτὰ καὶ ὀκτώ, τοιοῦτον εὐανδρεῖν τὴν χώραν συνέβαινεν.* He repeats the twelve names after Herod. i. 145, viz., Πελλήνη, Αἴγειρα, Αἰγαί, Βοῦρα, Ἑλίκη, Αἴγιον, Ῥύπες, Πατρεῖς, Φαρεῖς, Ὠλένος, Δύμη, Τριταιεῖς: Polybius, ii. 41. 8. instead of Rhypes and Ægæ, gives Cerynea and Leontium; Paus. vii. 6. 1, instead of Patræ and Ægium, has two corrupt names, Ἐάσιον and *Κεκύρινα*. Comp. Clinton's Fasti, ii. p. 421.

4) Diodor. xv. 48; Pausn. vii. 24. 4.

5) Polyb. ii. 41. 10: *συνέβη πάσας τὰς πόλεις χωρισθείσας ἀπ' αὐτῶν, ἐναντίως τὸ συμφέρον ἄγειν ἀλλήλαις, ἐξ οὗ συνέπεσε τὰς μὲν ἐμφρούρους αὐτῶν γενέσθαι διά τε Δημητρίου,* (Diodor. xx. 103.) *καὶ Κασσάνδρου, καὶ μετὰ ταῦτα δι' Ἀντιγόνου τοῦ Γονατᾶ, τὰς δὲ καὶ τυραννεῖσθαι· πλείστους γὰρ δὴ μονάρχους οὗτος ἐμφυτεῦσαι δοκεῖ τοῖς Ἕλλησι.*

6) Strab. p. 590. C: *εἴκοσι μὲν δὴ ἔτη διετέλεσαν, γραμματέα κοινὸν ἔχοντες καὶ στρατηγοὺς δύο κατ' ἐνιαυτὸν οἱ Ἀχαιοί, καὶ κοινοβούλιον εἰς ἕνα τόπον συνήγετο αὐτοῖς, ἐκαλεῖτο δὲ Ἀρνάριον, ἐν ᾧ τὰ κοινὰ ἐχρημάτιζον καὶ οὗτοι καὶ οἱ Ἴωνες πρότερον* (?), *εἶτα ἔδοξεν ἕνα χειροτονεῖσθαι στρατηγόν.* Polybius, l. l., reckons twenty-five years to have elapsed, before the sole command of Cerynea was obtained by Marcus, dating them from the confederacy first formed between the four cities, Patræ, Dyme, Tritæa, and Pharæ. Strabo says twenty, calculating from the accession to the league of the other three, Ægium, Bura, and Cerynea.

7) Polyb. ii. 43; Plut. Vit. Arat. c. 2—24.

8) Polyb. ii. 43. 5; xx. 6. 7; Strab. p. 591. A.

9) Pausan. ii. 8. 4; and on the subject at large, vii. 7. 1: *Ἑλλήνων δὲ τῶν λοιπῶν Σικυώνιοι συνεδρίου πρῶτοι τοῦ Ἀχαιῶν μετεῖχον· μετὰ δὲ Σικυωνίους ἐσῆεσαν ἤδη καὶ τῶν ἄλλων Πελοποννησίων οἱ μὲν αὐτίκα, οἱ δὲ χρόνον τινὰ ἐπισχόντες· τοὺς δὲ καὶ ἔκτος οἰκοῦντας τοῦ Ἰσθμοῦ συντελεῖν εἰς Ἀχαιοὺς ἔπειθεν, ὅτι ἐς πλέον ἰσχύος προϊὸν ἑώρων τὸ Ἀχαϊκόν.*

§. 186. Ægium was now the centre of the league[1]; here the council held its sittings[2], as also the regular general assemblies, two of which took place annually[3], each lasting three days[4]. Extraordinary assemblies might be appointed to take place at any other town of the league[5], but whether Philopœmen's proposal that the regular meetings should be held in each town in

succession passed into a law, cannot now be decided[6]. At that held in the spring the officers were elected[7], among whom, besides those already named, the Ἵππαρχος is to be particularly remarked as next in rank to the Στρατηγὸς[8]; mention is likewise made of a Ὑποστράτηγος[9]. The right of convening and presiding over the general assembly appears to have belonged strictly to ten Δαμιουργοί[10]: the Στρατηγὸς exercised it on extraordinary occasions only, when, for instance, the people was summoned to appear under arms[11]. Of the constitutions of the several towns, no particulars can be given: their character, like that of the whole body, had probably, after the extinction of the royal families, been uniformly democratic[12]; and this form the league was careful to establish in all the other towns which successively joined it, whilst it was the interest of the Macedonians everywhere to raise and support tyrants[13]. We find, for instance, at this period Lydiadas reigning at Megalopolis, Xeno at Hermione, Cleonymus at Phlius, Aristomachus at Argos; and thus these towns were kept estranged from the league, until Aratus effected by the powerful eloquence for which he was distinguished, what he could not achieve by force of arms[14]. Lydiadas voluntarily resigned his authority, and, together with his native town, joined the league: his example was followed by the other tyrants, after they had lost their chief support in the person of Demetrius, king of Macedon. Thus Aratus found himself another step nearer the great object to which he was directing the efforts of the Achæan league[15], namely, the uniting the whole Peloponnesus in one common cause independent of foreign influence, under uniform laws and institutions[16].

1) With the temples of Ζεὺς Ὁμαγύριος and Δημήτηρ Παναχαία: see Pausan. vii. 24; compare 7. 1: ἀθροίζεσθαι δὲ εἰς Αἴγιόν σφισιν ἔδοξεν· αὕτη γὰρ μετὰ Ἑλίκην ἐπικλυσθεῖσαν πόλεων ἐν Ἀχαΐᾳ τῶν ἄλλων δόξῃ προεῖχεν ἐκ παλαιοῦ καὶ ἴσχυεν ἐν τῷ τότε.

2) See for instance Polyb. iv. 26. 8; and more in Helwing, p. 234.

3) On the spring meeting see n. 7; we learn the fact of the autumnal congress from Polyb. ii. 54. 3; Liv. xxxviii. 32.

4) Liv. xxxii. 22: *Supererat unus justi concilii dies; tertio enim lex jubebat decretum fieri;* compare Polyb. xxix. 9, 10.

5) See the proofs adduced in Tittmann, and in Helwing, p. 228—234, who, however, is wrong in asserting that the general assemblies consisted solely of deputies from the several cities. Compare, for instance, Polyb. iv. 14. 1: τὸ τῶν Ἀχαιῶν πλῆθος . . . συναθροισθὲν ἐς τὴν καθήκουσαν σύνοδον: v. 1. 7: συνῆγε τοὺς Ἀχαιοὺς διὰ τῶν ἀρχόντων εἰς ἐκκλησίαν· ἀθροισθέντος δὲ τοῦ πλήθους εἰς Αἴγιον κατὰ τοὺς νόμους, and more in Tittm. p. 680. There was not always a full attendance, whence Polyb. xxxviii. 4, 5, remarks expressly: καὶ γὰρ συνηθροίσθη πλῆθος ἐργαστηριακῶν καὶ βαναύσων ἀνθρώπων, ὅσον οὐδέποτε. Schweighæuser has committed a similar mistake in his Lex. Polyb. p. 5, in comparing the ἀγορὰ (see also xxviii. 7. 3) with the βουλὴ rather than with the ἐκκλησία, on account of xxix. 9. 5: ὡς οὐκ οὔσης ἐξουσίας κατὰ τοὺς νόμους ἐν ἀγορᾷ βουλεύεσθαι περὶ βοηθείας. The σύγκλητος συναχθεῖσα εἰς τὴν τῶν Σικυωνίων πόλιν, ἐν ᾗ συνέβαινε μὴ μόνον συμπορεύεσθαι τὴν βουλήν, ἀλλὰ πάντας τοὺς ἀπὸ τριάκοντα ἐτῶν (ibid. §. 6), appears to have been an extraordinary meeting, and will not authorise any general conclusion.

6) See Liv. xxxviii. 30, and the different view taken by Tittmann, p. 682, and Helwing, p. 227.

7) Polyb. iv. 37. 1; v. 1. 1. Persons might be re-elected to the office, but not in consecutive years; if any died during his term of office, his place was supplied by his predecessor; Polyb. xl. 2. 1.

8) See Polyb. v. 95. 7; xxviii. 6. 9.

9) Ὑποστράτηγος τῆς συντελείας τῆς πατρικῆς, Polyb. v. 94. 1; according to Reiske, of the single town Pheræ, but see iv. 59. 2: ὑποστρ. τῶν Ἀχαιῶν. It is more probable that this was the commander of the pure Achæan forces, as distinguished from those of the whole league.

10) *Summus magistratus,* Liv. xxxii. 22; xxxviii. 30. Tittmann and Helwing, p. 236, needed not take offence at the expression *damiurgi civitatum,* even supposing that they were named by the several Achæan cities independently of each other (which, however, is not probable, seeing that the other parties to the league were on an equal footing with them); still there were but ten, after the destruction of Helice and Olenus (Polyb. ii. 41. 7). These, be it remarked, were the ἄρχοντες mentioned by Polyb. v. 1. 9; xxiii. 10, 11.

11) Polyb. iv. 7. 5: συνάγειν τὸν στρατηγὸν τοὺς Ἀχαιοὺς ἐν τοῖς ὅπλοις· ὃ δ' ἂν τοῖς συνελθοῦσι βουλευομένοις δόξῃ, τοῦτ' εἶναι κύριον.

12) See Polyb. ii. 41. 5; Pausan. vii. 7. 1; and Kortüm, p. 141; also Demosth. de foed. Alex. p. 214. 16; but mention even of oligarchs (βέλτιστοι) occurs in Xenoph. Hell. vii. 1. 43; compare Tittmann, p. 364; Wachsm. i. 2. p. 304.

13) Wachsm. i. 2. p. 423, sqq.

14) Polyb. ii. 44; conf. Strab. p. 591. A.; Plutarch. Vit. Arat. c. 35. Ægina joined at the same time as Hermione: see Plut. ibid. c. 34; Polyb. xxiii. 8.

15) Polyb. ii. 43. 7: λοιπὸν γὰρ ἤδη διετέλει προστατῶν μὲν τοῦ τῶν Ἀχαιῶν ἔθνους, πάσας δὲ τὰς ἐπιβολὰς καὶ πράξεις πρὸς ἓν τέλος ἀναφέρων· τοῦτο δ' ἦν τὸ Μακεδόνας μὲν ἐκβαλεῖν ἐκ Πελοποννήσου, τὰς δὲ μοναρχίας καταλῦσαι, βεβαιῶσαι δ' ἑκάστοις τὴν κοινὴν καὶ πάτριον ἐλευθερίαν. For the character of Aratus, see, in particular, besides his life by Plutarch, Polyb. iv. 8, and Pausan. ii. cc. 8, 9.

16) Polyb. ii. 37. 9, sqq.; compare iv. 1. 7: . . . . προσαγόμενοι τὰς πόλεις ἐπεβάλοντο Πελοποννησίους πάντας ὑπὸ τὴν αὐτὴν ἄγειν ὁμοιασίαν καὶ πολιτείαν.

§. 187. To the completion of this project however were still wanting Messenia, Elis, Laconia, and the greater part of Arcadia, which being then in the hands of the Ætolians, Lacedæmonians, and Eleans[1], difficulties were likely to arise which Aratus had not the military talent[2], nor the league itself the requisite force to overcome[3]. The capture of Megalopolis and three successful battles brought the Spartan king, Cleomenes III., to the gates of Sicyon and Corinth, B. C. 224, and left the Achæans no alternative but to purchase existence at the price of independence, by throwing themselves into the arms of Antigonus Doson, of Macedon[4]. That monarch certainly justified their confidence by the victory of Sellasia[5], which secured to them the possession of Tegea and Mantinea, but, in the occupation of the citadels of Corinth and of Orchomenos in Arcadia[6], and the command of a league which included, in addition to Achaia, the greater part of the rest of Greece[7], he bequeathed to his successor, Philip the son of Demetrius, a power to which the Achæan league seemed likely to stand in no better relation than that of vassal[8]. This was more especially the case, when Aratus after being defeated by the Ætolians at Caphyæ, in the attempt to gain over Messenia to the league[9], was a second time compelled to invoke the aid of the Macedonians. The personal influence which he had, at first, exercised over the young prince as his adviser, gradually gave way before courtiers[10], and Philip's conduct in Mes-

senia[11] showed but too clearly what danger the liberty of the Peloponnesus would have incurred from him, had not Demetrius of Pharus[12] directed his restless spirit against the Romans[13]; for, as the latter found natural allies in the Ætolians and Spartans, the aid of the Achæan league became the more necessary to the Macedonian prince[14].

1) Elis was in possession of Psophis, Polyb. iv. 70. 2: the Ætolians of Phigalea (see §. 184. n. 5): according to Polybius, the latter allowed Tegea, Mantinea, and Orchomenos, to go over to Cleomenes.

2) Plut. Vit. Philop. c. 8: *Ἄρατος μὲν γὰρ, ἀργότερος εἶναι δοκῶν πρὸς τοὺς πολεμικοὺς ἀγῶνας, ὁμιλίᾳ καὶ πραότητι καὶ φιλίαις βασιλικαῖς τὰ πλεῖστα κατειργάσατο τῶν πραγμάτων, κ. τ. λ.*

3) Compare Drumann, p. 477, sqq. The chief authority is Polyb. v. 91. 6: *πεζοὺς μὲν τρέφειν μισθοφόρους ὀκτακισχιλίους, ἱππεῖς δὲ πεντακοσίους· τῶν δ' Ἀχαιῶν ἐπιλέκτους* (Wachsm. i. 2. p. 312) *πεζοὺς μὲν τρισχιλίους, ἱππεῖς δὲ τριακοσίους· εἶναι δὲ τούτων Μεγαλοπολίτας μὲν χαλκάσπιδας* (Polyb. iv. 69. 4) *πεζοὺς μὲν πεντακοσίους, ἱππεῖς δὲ πεντήκοντα, καὶ τοὺς ἴσους Ἀργείων. Ἔδοξε δὲ καὶ ναῦς πλεῖν, τρεῖς μὲν περὶ τὴν Ἀκτὴν καὶ τὸν Ἀργολικὸν κόλπον, τρεῖς δὲ κατὰ Πάτρας καὶ τὴν ταύτῃ θάλασσαν.* On the bad condition of their navy at a still later period, see Livy, xxxv. 26; Plut. Vit. Philop. c. 14.

4) See above, §. 49. n. 8—11; conf. Polyb. iv. 76. 7: *τεθεαμένος τοὺς Ἀχαιοὺς, ὅτι παντὸς δεινοῦ λαβεῖν πεῖραν ὑπέμειναν, ἐφ' ᾧ μὴ ποιεῖν Κλεομένει τὸ προσταττόμενον·*

5) Polyb. ii. 54. Mantinea, after its restoration, took the name of Antigonia, Plut. Vit. Arat. c. 45, which it bore till the time of Hadrian, see Pausan. viii. 8. 6.

6) Polyb. iv. 6. 5.

7) Polyb. ii. 54. 4; compare above, §. 184. n. 13.

8) Plut. Vit. Arat. c. 45: *ἐψηφίσαντο δὲ ἄλλῳ μὴ γράφειν βασιλεῖ μηδὲ πρεσβεύειν πρὸς ἄλλον ἄκοντος Ἀντιγόνου· τρέφειν δὲ καὶ μισθοδοτεῖν ἠναγκάζοντο τοὺς Μακεδόνας*: comp. Polyb. iv. 67. 8: *γράμματα πρὸς τὸν στρατηγὸν τῶν Ἀχαιῶν καὶ πρὸς τὰς πόλεις ἐξαπέστελλεν... πότε καὶ ποῦ δεήσει συναντᾷν πάντας ἐν τοῖς ὅπλοις.*

9) Polyb. iv. 10—13; Plut. Vit. Arat. c. 47; comp. above §. 184. n. 13.

10) Polyb. v. 12. 5; vii. 13, sqq. By poison, Polyb. viii. 14; conf. Plut. c. 48—52.

11) Polyb. vii. 10, sqq. Plut. c. 50; conf. Strab. viii. p. 555.

12) Polyb. iii. 16—19.

13) Justin. xxix. 2; conf. Polyb. v. 101. 8, and, for the treaty of alliance with Hannibal, see vii. 9.

14) Polyb. ix. 28, sqq.; comp. above §. 184. n. 14.

§. 188. In the course of this war, in the year B. C. 208, a fortunate choice at length placed at the head of the league, Philopœmen, the Megalopolitan, who suc-

ceeded in inspiring the Acheans with an unprecedented degree of warlike enthusiasm, and, by a thorough military reform, placed their army on such a footing that he was able to meet the Spartan tyrant Machanidas in the field at Mantinea. The decisive victory he won there secured Arcadia to the league[2]. The applause of assembled Greece at the Nemean games rewarded the victor, and so great was the terror of his name, that the bare news of his approach, though he only accompanied the expedition as a volunteer, sufficed to free Messenia from Nabis, the successor of Machanidas. Cabals appear to have prevented him from taking part in public affairs, and, whilst at home the second war between the Romans and Macedonians was breaking out, we find him in Crete serving as general in the pay of the Gortynians[3]. On his return thence, B. C. 195, he found every thing altered: Achaia brought over to the Roman interest by Aristænus[4]; Philip and Nabis humbled; the maritime towns of Laconia favourably disposed towards the league[5]; and Acrocorinth itself free from the garrison which Flamininus had, from the first, placed in it notwithstanding his pompous declaration of the freedom of Greece[6]. Demetrias and Chalcis[7] were also independent, and he himself, by the capture of Sparta, laid the last stone on the great edifice which Aratus had planned[8]. But the jealousy of Rome now began to undermine its foundations[9]; the defection of Messenia under Dinocrates, with which Flamininus was not unconnected, cost Philopœmen both liberty and life[10], and although he found an avenger and worthy successor in the person of Lycortas[11], the father of the historian Polybius, the Roman party already preponderated in the interior of the league, and its leader Callicrates, in spite of the general aversion, maintained himself at its helm till his death[12]. He it

was who dissuaded the Achæans from an alliance with Perseus, and subsequently availed himself of the unfortunate end of that prince to direct the suspicions of the Romans against the noblest of his countrymen[13], whose minds that war had perhaps inflamed with the hope of real freedom. One thousand of them were in consequence decoyed into Italy, and detained there as prisoners till B. C. 150, a space of seventeen years[14], while the Romans encroached more decisively every day, under the pretext of acting as arbitrators in the dissensions they themselves purposely fomented among the Peloponnesian cities. At length, B. C. 147, the demand made by the Roman envoy that Corinth, Orchomenos, Argos, and Heraclea Œtea, should be dismissed from the league, blew into open flame the hitherto smouldering rage of the people. The moment seemed favourable for a revolt, since the Roman arms were occupied in Macedonia and Africa; but the blindness of the leaders of the league, Critolaus and Diæus, dragged it with themselves down the dizzy precipice which they too late perceived before their feet[15].

1) See his life by Plutarch, especially c. 9, sqq.; comp. Polyb. x. 24, 25; xi. 9, sqq., and Pausan. viii. 49—52.

2) See above, §. 50. n. 7.

3) Plut. ibid. c. 12, 13.

4) See Pausan. vii. 8. 1; Liv. xxxii. 19, sqq., and his defence in Polyb. xvii. 13; comp. xxiii. 9, 10, and the parallel between him and Philopœmen, xxv. 9; also Exc. Vat. p. 419—421 Mai.

5) See above, §. 50. n. 11.

6) Polyb. xviii. 29; Liv. xxxiii. 31, 32; Plut. Vit. Flamin. c. 10.

7) See Liv. xxxiv. 49, sqq.—Πέδαι Ἑλληνικαί, Polyb. xvii. 11. 4.

8) See above, §. 50. n. 12, sqq. So Polyb. ii. 62. 4: *ἐν τοῖς καθ' ἡμᾶς καιροῖς, ἐν οἷς πάντες* (Πελοποννήσιοι) *ἓν καὶ ταὐτὸ λέγοντες μεγίστην καρποῦσθαι δοκοῦσιν εὐδαιμονίαν, κ. τ. λ.*; conf. ii. 37. 10; but Elis never joined; see Liv. xxxvi. 5. 31.

9) On the Roman policy with regard to Greece, in general, see Drumann, p. 88, sqq., and with regard to Achaia, in particular, p. 472, sqq.; also Wachsm. i. 2. p. 327, sqq.

10) See Liv. xxxix. 49; Plut, Vit. Philop. c. 18—21; Pausan. iv. 29. 5: on Dinocrates and his understanding with Flamininus, Polyb. xxiv. 5.

11) Polyb. xxiv. 12; Pausan. vii. 9. 3.

12) Polyb. xxvi. 1—3; conf. xxx. 20, and Pausan. vii. 10.

13) Liv. xli. 23; Polyb. xxx. 6. 10.

14) Pausan. vii. 10, extr.; Plut. Cat. Maj. c. 9; conf. Polyb. xxxi. 8.

15) See Pausan. vii. 11—16; and, on this whole section, consult Fallmerayer's Geschichte der Halbinsel Morea (Stuttgart, 1830), i. p. 31—76.

§. 189. The victory of Metellus at Scarphea, and that of Mummius at Leucopetra, together with the capture and destruction of Corinth, reduced Achaia, with all that had once belonged to the league, to the condition of a Roman province[1]. Ten commissaries were despatched to regulate its internal affairs, the governments of the several cities were organized on a timocratic basis[2], and a prætor appointed over the whole, whose jurisdiction was to extend to the frontiers of Macedonia[3]. The several confederacies were dissolved at first, but continued subsequently to exist in subjection to the paramount authority of Rome[4]. The cities of Athens, Delphi, Thespiæ, and Tanagra alone remained free, to which may be added, after the reign of Augustus, Nicopolis and the district of Laconia[5]. Amphissa and the Locri Ozolæ enjoyed immunity; at Corinth[6], Patræ[7], Dyme[8], and Megara[9], Roman colonies were subsequently planted. At the division of the provinces under Augustus, Achaia fell to the share of the senate, but in the early part of the reign of Tiberius it became an imperial province[10], and continued so until Claudius again substituted a proconsul for the Legatus Augusti[11]. Nero's fantastic idea of once more proclaiming the freedom of Greece at the Isthmian games[12] produced such melancholy consequences that Vespasian recalled the ill-timed gift[13]. Hadrian conferred more substantial benefits on the home of the arts and sciences[14], but the sunshine of his favour

gleamed only on ruins; no Panhellenic festival[15] could revive that national spirit which now existed only in the mouths of learned men and orators. The civil contests of the Greeks among themselves, and still more the wars which the Romans had waged on their soil, had made the land a wilderness: for whole days' journies the country lay depopulated, or was a mere haunt of robber-bands[16]. Three thousand fighting men were the utmost all Greece could furnish[17]. No wonder then that Athens was indebted solely to the natural advantages of its position for the repulse the Goths experienced there on their irruption into Greece, A. D. 265[18]. One hundred and thirty years later the treachery and cowardice of its Byzantine masters laid it entirely open to the desolating fury of Alaric[19], and left the proconsul of the East[20] nothing to rule over but the ruins of departed grandeur.

1) In this place consult, at large, Sigonius de ant. jure pop. Rom. t. ii. p. 63—72; J. C. W. A. Hopfensack's Staatsrecht der Unterthanen der Römer (Düsseld. 1829), p. 285—293; Fallmerayer, ubi sup. p. 77, sqq.

2) Polyb. xl. 9—11; comp. the commentt. on Cic. ad Att. xiii. 4. 6; Pausan. vii. 16. 6: *ὡς δὲ ἀφίκοντο οἱ σὺν αὐτῷ βουλευσόμενοι, ἐνταῦθα δημοκρατίας μὲν κατέπαυε, καθίστατο δὲ ἀπὸ τιμημάτων τὰς ἀρχάς* (comp. §. 59. n. 8, and Boeckh ad C. Inscr. n. 1543), *καὶ φόρος δὲ ἐτάχθη τῇ Ἑλλάδι, κ. τ. λ.*

3) Manut. ad Cic. Epp. ad Famil. iv. 12; conf. Strab. xvii. p. 1198: *ἐβδόμην δὲ (στρατηγίαν) Ἀχαΐαν μέχρι Θετταλίας καὶ Αἰτωλῶν καὶ Ἀκαρνάνων καὶ τινῶν Ἠπειρωτικῶν ἐθνῶν, ὅσα τῇ Μακεδονίᾳ προσώριστο.*

4) Pausan. vii. 16. 7: *ἔτεσι δὲ οὐ πολλοῖς ὕστερον ἐτράποντο ἐς ἕλεον Ῥωμαῖοι τῆς Ἑλλάδος καὶ συνέδριά τε κατὰ ἔθνος ἀποδιδόασιν ἑκάστοις τὰ ἀρχαῖα καὶ τὴν ἐν τῇ ὑπερορίᾳ κτᾶσθαι . . . ἡγεμὼν δὲ ἔτι καὶ ἐς ἐμὲ ἀπεστέλλετο. Καλοῦσι δέ*, he adds, *οὐχ Ἕλλάδος, ἀλλ' Ἀχαΐας ἡγεμόνα οἱ Ῥωμαῖοι, διότι ἐχειρώσαντο Ἕλληνας δι' Ἀχαιῶν τότε τοῦ Ἑλληνικοῦ προεστηκότων.*

5) Conf. Plin. Hist. Nat. lib. iv. passim, and see above, §§. 50, 176, 182, 184.

6) Col. Julia, founded by Cæsar; Dio Cass. xliii. 50; Pompon. Mel. ii. 3. 77; Plut. Vit. Cæs. 57; Paus. ii. 1. 2; v. 1. 1; conf. C. Inscr. n. 1716.

7) Col. Augusta Aroe Patrensis; Strab. viii. p. 594. A.; x. p. 706. B.; Pausan. vii. 18. 5.

8) Strabo, p. 594. B: *Δέδεκται δ' οἰκήτορας καὶ ἡ Δύμη μικρὸν πρὸ ἡμῶν ἀνθρώπους μιγάδας, οὓς ἀπὸ τοῦ πειρατικοῦ πλήθους περιλιπεῖς ἔσχε Πομπήϊος καταλύσας τὰ λῃστήρια*; comp. Fallmer. p. 90.

9) Plin. Hist. Nat. iv. 7.

10) Dio Cass. liii. 12; comp. Tacit. Annal. i. 76: *Achajam ac Macedoniam, onera deprecantes, levari in præsens proconsulari imperio tradique Cæsari placuit*; where Lipsius is wrong in stating that even Strabo had reckoned it among the imperial provinces.

11) Sueton. Vit. Claud. c. 25; Dio Cass. lx. 24; comp. Boeckh. ad C. Insc. i. p. 839.

12) Comp. Plin. H. N. iv. 8; Plut. Vit. Flamin. c. 12; Sueton. Ner. c. 24; Dio Cass. lxiii. 11.

13) Philostr. Vit. Apollon. Tyan. v. 41; Sueton. Vespas. c. 8; Pausan. vii. 17. 2.

14) See Pausanias passim, and above, §. 176. n. 22.

15) Philostr. Vit. Sophist. ii. 1. 5; comp. Boeckh. ad C. Insc. n. 1625, and Meurs. Græc. fer. s. v.

16) See Cic. ad Fam. iv. 5; Strab. vii. p. 426, and more in Clinton, F. H. ii. p. 432; Wachsm. i. 2. p. 402; Fallmerayer, §. 62, sqq. Thus, Senec. Epist. 91, "non vides quemadmodum in Achaia clarissimarum urbium jam fundamenta confracta sint," etc.?

17) Plut. de Defect. Orac. c. 8. p. 414. A: *τῆς κοινῆς ὀλιγανδρίας, ἣν αἱ πρότεραι στάσεις καὶ οἱ πόλεμοι περὶ πᾶσαν ὁμοῦ τι τὴν οἰκουμένην ἀπειργάσαντο, πλεῖστον μέρος ἡ Ἑλλὰς μετέσχηκε· καὶ μόλις ἂν νῦν ὅλη παράσχοι τρισχιλίους ὁπλίτας, ὅσους ἡ Μεγαρέων μία πόλις ἐξέπεμψεν ἐς Πλαταιάς.* Comp. Lucian. Dial. Mort. xxvii. 2; Dion. Chrysost. p. 401. (Orat. xxxiii.)

18) Trebell. Poll. Vit. Gallien. c. 13: *Atque inde Cyzicum et Asiam, deinceps Achajam omnem vastaverunt et ab Atheniensibus, duce Dexippo, scriptore horum temporum, victi sunt; unde pulsi per Epirum, Acarnaniam, Bœotiam pervagati sunt.* J. Aschbach. Geschichte der Westgothen, (Frankf. 1827.) p. 11, on the authority of Zosim. i. 39, makes them to have captured Athens also.

19) Claudian. in Rufin. ii. 186:

> *His si tunc animis acies collata fuisset,*
> *Prodita non tantas vidisset Græcia clades;*
> *Oppida semoto Pelopeïa Marte vigerent,*
> *Starent Arcadiæ, starent Lacedæmonis arces,*
> *Non mare fumasset geminum flagrante Corintho,*
> *Nec fera Cecropias traxissent vincula matres.*

See more in Zosim. v. 5, sqq., and compare Aschbach, p. 67—69; Fallmerayer, p. 117, sqq.

20) See Panciroll. ad Not. Dignit. Orient. (Lugd. 1608.) p. 70.

APPENDIX.

I. The Kings of Lacedæmon.

Agidæ.	B. C.	Eurypontidæ.	B. C.
1. Eurysthenes (according to Eusebius)	1073	1. Procles	1073
2. Agis	1031	2. Sous	1032
3. Echestratus	1030		
4. Labotas	995	3. Eurypon	1005
5. Doryssus	958	4. Prytanis	985
6. Agesilaus	929	5. Eunomus	935
		6. Polydectes	890
7. Archelaus	885	7. Charilaus	884
8. Talecles	827	8. Nicander	810
9. Alcamenes	787	9. Theopompus	772
10. Polydorus	750		
11. Eurycrates I.	709	10. Zeuxidamus	713
12. Anaxander ab.	684	11. Anaxidamus	
13. Eurycrates II. ab.	648	12. Archidamus I.	
14. Leon ab.	600	13. Agasicles	
15. Anaxandrides ab.	560	14. Ariston	
16. Cleomenes I.	520	15. Demaratus	
17. Leonidas I.	491	16. Leotychides	492
18. Pleistarchus (Guardian to Pausan. I.)	480		
19. Pleistoanax	458	17. Archidamus II.	469
20. Pausanias (II.)	408	18. Agis I.	427
21. Agesipolis I.	394	19. Agesilaus	397
22. Cleombrotus I.	380		
23. Agesipolis II.	371		
24. Cleomenes II.	370	20. Archidamus III.	361
		21. Agis II.	338
		22. Eudamidas I.	330
25. Areus I.	309	23. Archid. IV. ab.	300
26. Acrotatus	265	24. Eudamidas II.	300
27. Areus II.	264		
28. Leonidas II.	257	25. Agis III.	243
(29. Cleombrotus II. 242)		(26. Eurydamidas 239)	
30. Cleomenes III.	236	(27. Archidamus V. 226)	
(31. Agesipolis III. 219)			

II. The Athenian Eponymi, B. C. 496—294.

Chiefly according to Corsini and Clinton.

Ol.	B. C.	
71	496	Hipparchus.
	495	Philippus.
	494	Pythocritus.
	493	Themistocles.
72	492	Diognetus.
	491	Hybrilides.
	490	Phænippus.
	489	Aristides.
73	488	Anchises.
	487	— —
	486	— —
	485	Philocrates.
74	484	Leostratus.
	483	Nicodemus.
	482	— —
	481	— —
75	480	Calliades.
	479	Xanthippus.
	478	Timosthenes.
	477	Adimantus.
76	476	Phædo.
	475	Dromoclides.
	474	Acestorides.
	473	Menon.
77	472	Chares.
	471	Praxiergus.
	470	Demotion.
	469	Apsephion.
78	468	Theagenides.
	467	Lysistratus.
	466	Lysanias.
	465	Lysitheus.
79	464	Archidemides.
	463	Tlepolemus.
	462	Conon.
	461	Euippus.
80	460	Phrasiclides.
	459	Philocles.
	458	Bion.
	457	Mnesithides.
81	456	Callias.
	455	Sosistratus.
	454	Ariston.
	453	Lysicrates.
82	452	Chærephanes.
	451	Antidotus.
	450	Euthydemus.
	449	Pedieus.
83	448	Philiscus.
	447	Timarchides.
	446	Callimachus.
	445	Lysimachides.
84	444	Praxiteles.
	443	Lysanias.
	442	Diphilus.
	441	Timocles.
85	440	Morychides.
	439	Glaucides.
	438	Theodorus.
	437	Euthymenes.
86	436	Lysimachus.
	435	Antiochides.
	434	Chares.
	433	Apseudes.
87	432	Pythodorus.
	431	Euthydemus.
	430	Apollodorus.
	429	Epameinon.
88	428	Diotimus.
	427	Eucles (—ides).
	426	Euthydemus.
	425	Stratocles.
89	424	Isarchus.
	423	Amynias.
	422	Alcæus.
	421	Aristion.
90	420	Astyphilus.
	419	Archias.
	418	Antipho.
	417	Euphemus.

Ol.	B. C.	
91	416	Arimnestus.
	415	Chabrias.
	414	Pisander.
	413	Cleocritus.
92	412	Callias.
	411	Theopompus.
	410	Glaucippus.
	409	Diocles.
93	408	Euctemon.
	407	Antigenes.
	406	Callias.
	405	Alexias.
94	404	(Pythodorus.)
	403	Euclides.
	402	Micon.
	401	Xenænetus.
95	400	Laches.
	399	Aristocrates.
	398	Ithycles.
	397	Suniades.
96	396	Phormio.
	395	Diophantus.
	394	Eubulides.
	393	Demostratus.
97	392	Philocles.
	391	Nicoteles.
	390	Demostratus.
	389	Antipater.
98	388	Pyrrhion.
	387	Theodotus.
	386	Mystichides.
	385	Dexitheus.
99	384	Diotrephes.
	383	Phanostratus.
	382	Evander.
	381	Demophilus.
100	380	Pytheas.
	379	Nicon.
	378	Nausinicus.
	377	Callias.
101	376	Charisander.
	375	Hippodamas.
	374	Socratides.
	373	Asteus.
102	372	Alcisthenes.
	371	Phrasiclides.
	370	Dyscinetus.
	369	Lysistratus.
103	368	Nausigenes.
	367	Polyzelus.
	366	Cephisodorus.
	365	Chion.
104	364	Timocrates.
	363	Chariclides.
	362	Molon.
	361	Nicophemus.
105	360	Callimedes.
	359	Eucharistus.
	358	Cephisodotus.
	357	Agathocles.
106	356	Elpines.
	355	Callistratus.
	354	Diotimus.
	353	Theodemus.
107	352	Aristodemus.
	351	Thessalus.
	350	Apollodorus.
	349	Callimachus.
108	348	Theophilus.
	347	Themistocles.
	346	Archias.
	345	Eubulus.
109	344	Lyciscus.
	343	Pythodotus.
	342	Sosigenes.
	341	Nicomachus.
110	340	Theophrastus.
	339	Lysimachides.
	338	Chærondas.
	337	Phrynichus.
111	336	Pythodemus.
	335	Euænetus.
	334	Ctesicles.
	333	Nicocrates.
112	332	Nicetes (eratus).
	331	Aristophanes.
	330	Aristophon.
	329	Cephisophon.

Ol.	B. C.	
113	328	Euthycritus.
	327	Hegemon.
	326	Chremes.
	325	Anticles.
114	324	Hegesias.
	323	Cephisidorus.
	322	Philocles.
	321	Archippus.
115	320	Neæchmus.
	319	Apollodorus.
	318	Archippus.
	317	Demogenes.
116	316	Democlides.
	315	Praxibulus.
	314	Nicodorus.
	313	Theophrastus.
117	312	Polemon.
	311	Simonides.
	310	Hieromnemon.
	309	Demetrius.
118	308	Charinus.
	307	Anaxicrates.
	306	Corœbus.
	305	Xenippus.
119	304	Pherecles.
	303	Leostratus.
	302	Nicocles.
	301	Calliarchus.
120	300	Hegemachus.
	299	Euctemon.
	298	Mnesidemus.
	297	Antiphates.
Ol. 121	296	Nicias.
	295	Nicostratus.
	294	Olympiodorus.

III. An Alphabetical Catalogue of the Athenian Eponymi, from the time of Creon, until that of Sylla.

(The names marked with an asterisk are uncertain or corrupt.)

	B. C.
Acestorides	504, 474
Adimantus	477
Agathocles	357, 126
Alcæus	422
Alcisthenes	372
Alexias	405
Amynias	423
Anaxicrates	307, 279
Anchises	488
Anticles	325
Antidotus	451
Antigenes	407
Antiochides (Boeckh ad C. I. p. 352.)	435
Antipater	389
Antiphates	297
Antiphon	418
Antitheus	146
Apollodorus	430, 350, 319
Apsephion	469
Apseudes	433
Archestratides	577
Archias	419, 346
Archippus	321, 318
Archidemides (medes)	464
Arimnestus	416
Aristides	489
Aristion	421
Aristodemus	352
Aristocles (according	

B. C.

to Voemel, diss. de ætate Solonis et Crœsi, B. C. 624) 605
Aristocrates 399
Aristomenes 570
Ariston 454
Aristophanes 331
Aristophon 330
Aristoxenus C. I. n. 255.
*Arrhenides (see Niebuhr's kl. Schr. i. p. 459.) 260
Asteus 373
Astyphilus 420
Autosthenes 668
Bion 458
Callias 456, 412, 406, 377
Calliades 480
Calliarchus 301
Callimachus 446, 349
Callimedes 360
Callistratus 355
Cephisodorus (dotus) 366, 358, 323
Cephisophon 329
Chabrias 415
Chærephanes 452
Chærondas 338
Chares 472, 434
Chariclides 363
Charinus 308
Charisander 376
Chion 365
Chremes 326
Cleocritus 413
Cleomachus, C. I. n. 111.
Comias 560
Conon 462
Coræbus 306
Creon (see §. 103. n. 5.) 684
Critias 596
Ctesicles 334

B. C.

Damasias 639, *585
Demetrius 309
Democles 278
Democlides 316
Demogenes 317
Demophilus 381
Demostratus 393, 390
Demotion 470
Dexitheus 385
Diocles 409, *287
Diognetus 492, 264
Dionysius, C. I. n. 124.
Diophantus 395
Diotimus 428, 354
Diotrephes 384
Diphilus 442, 288
Draco 624
Dromoclides 475
Dropides 644, 593
Dyscinetus 370
Elpines 356
Epameinon 429
Ergocles, C. I. n. 108.
Erxiclides 548
Euænetus 335
Evander 382
Eubulides 394
Eubulus, C. I. n. 115.
Eubulus 345
Eucharistus 359
*Eudemus 353
Eucles (ides) 427
Euclides 403
*Eucrates 592
Euctemon 408, 299
Euphemus 417
Euippus 461
Euthycritus 328
Euthydemus 556, 450, 431, 426
Euthymenes 437
*Euxenippus 305
*Exænetus 401

	B. C.
Glaucides	439
Glaucippus	410
Gorgias	280
Hagnotheus, C. I. n. 121.	
Hegemachus	300
Hegemon	327
Hegesias	324
Hegestratus	559
Heniochides	615
Hieromnemon	310
Hipparchus	496
*Hippoclides, (B. C. 562, according to Voemel.)	566
Hippodamas	375
Hybrilides	491
Isagoras	508
Isarchus	424
Ithycles	398
*Jason	125
Laches	400
*Lacratides	487
Leostratus 671, 484,	303
Lyciscus	344
Lysanias 466,	443
*Lysiades	397
Lysicrates	453
Lysimachides 445,	339
Lysimachus	436
Lysistratus 467,	369
Lysitheus	465
Megacles	612
Menecrates (C. I. n. 170.)	
Menon	473
Micon	402
Miltiades 664, 659,	524
Mnesidemus	298
Mnesithides	457
Molon	362
Morychides (Boeckh ad C. I. p. 352.)	440

	B. C.
Myrus	500
Mystichides	386
Nausigenes	368
Nausinicus	378
Neæchmus	320
Nicetas (eratus)	332
Nicias	296
Nicocles	302
Nicocrates	333
Nicodemus	483
Nicodorus	314
Nicomachus	341
Nicon	379
Nicophemus	361
Nicostratus	295
Nicoteles	391
Olympiodorus	294
Paramonus, C. I. n. 124.	
Pedieus	449
Phædo	476
Phænippus	490
Phanarchides, C. I. n. 113.	
Phanostratus	383
Pherecles	304
Philippus 588, 495,	292
Philiscus	448
Philocles 459, 392, 322,	*302
Philocrates	485
Philombrotus	595
Phormio	396
Phrasiclides 460,	371
Phrynichus	337
Pisander	414
Pisistratus	669
Plistænus, C. I. n. 374.	
Polemon	312
Polyzelus	367
Praxibulus	315
Praxiergus	471
Praxiteles	444

	B. C.
Pyrrion	388
Pytharatus	271
Pytheas	380
Pythocritus	494
Pythodemus	336
Pythodorus	432, 404
Pythodotus	313
Simonides	311
Socratides	374
Solon	594
*Sosicles	325
Sosigenes	342
Sosistratus	455
Stratocles	425
Suniades (Boeckh ad C. I. p. 234.)	397
Theagenides	468
Themistocles 493, *481,	347
Theodorus	438
Theodemus (Boeckh ad C. I. p. 353.)	353
Theodotus	387
Theon, C. I. n. 254.	
Theophilus	348
Theophrastus	340, 313
Theopompus	411
Thericles	533
Thessalus	351
Timarchides	447
Timocles	441
Timocrates	364
Timosthenes	478
Tlepolemus	463
Tlesias	683
Xanthippus	479
Xenænetus	401
Xenippus	305

IV. A Catalogue of the Athenian Demi, according to their several tribes; after Corsini and Grotefend.

I. Erechtheis.

Ἀγραυλὴ (*-εὺς* or *ἦθεν*) which afterwards belonged to Attalis.
Ἀναγυροῦς (*-άσιος*) and in IX.
Εὐώνυμος (*-εὺς*).
Θημακὸς (*-εύς*) afterwards belonged to Ptolemais.
Κηδαὶ (*ἐκ Κηδῶν*).
Κηφίσια (*-εύς*).
Λαμπτρὰ (*-εύς*).
Παμβοτάδαι.
Περγασὴ (*-εὺς* or *-ῆθεν*).
Συβρίδαι.
Φηγοῦς (*-ούσιος*).
Χ (*-ατρεις* or *Χιτώνιοι*: see Grotef. p. 37; Brönsted, however, denies the existence of the *Χιτώνιοι*,—see his Reise und Untersuchungen in Gr., ii. p. 261.

II. Ægeis.

Ἀγκυλὴ (*-εὺς* or *-ῆθεν*).
Ἀλαὶ (*-αεὺς*) *Ἀραφηνίδες.*
Ἀραφὴν (*-ήνιος*).
Βατὴ (*-ῆθεν*).
(*Βουτάδαι*, see rather VI.)
Γαργηττὸς (*-ιος*) and in VI.
Διόμεια (*-εύς*).

Ἐρίκεια (*-εὺς* or *ἅθεν*).
Ἔρχεια (*-εύς*).
Ἰκαρία (*-εύς*).
Ἱστιαία (*-όθεν*).
Κολυττὸς (*-εύς*).
Κολωνὸς (*-ῆθεν*) at first belonged to X; see Boeckh ad C. I. p. 158 and 906.
Κυδαντίδαι, afterwards belonged to Ptolemais.
Μυῤῥινούττη (*-ἐκ M.*)
Ὀτρυνεῖς.
Πλώθεια (*-εὺς* or *-ειεύς*).
Τιθρὰς (*-άσιος*).
Φηγαία (*-αιεὺς*) also in III. and IX; afterwards it belonged to Hadrianis.
Φιλαΐδαι.
Χολλίδαι, also in IV.

III. Pandionis.

Ἀγγελὴ (*-ῆθεν*).
(*Αἰξωνεῖς*, Schol. Aristoph. Vesp. 895; rather belongs to VII.)
Κονθύλη (*-εὺς*) afterwards belonged to Ptolemais.
Κυδαθήναιον (*-εύς*).
Κύθηρος (*-ιος*).
Μυῤῥινοῦς (*-ούσιος*).
Ὄα (*-αθεν*) afterwards belonged to Hadrianis.
Παιανιὰ (*-εὺς*) two distinct Demi; see Schæfer ad Demosth. i. p. 175.
Πρασίαι (*-εύς*).
Προβάλινθος (*-ίσιος*).
Στειρία (*-εύς*).
Φηγαία, see above, II.

IV. Leontis.

Αἰθαλίδαι.
Ἁλιμοὺς (*-ούσιος*).
Ἄφιδνα (*-αῖος*), also in IX; afterwards in Hadrianis.
Δειράδες (*-διώτης*).
Ἑκάλη (*-ειος* or *-ῆθεν*).
Εὐπυρίδαι.
Κηττοὶ (*-ιος*).
Κρωπίδαι.
Λευκονόη (*-οεὺς*) see Boeckh ad C. Inscr. p. 151, and comp. Rutgersii Var. Lect. v. 4.
Οἶον Κεραμεικόν (*ἐξ Οἴου*).
Παιονίδαι.
Πήληκες.
Ποτάμιοι.
Σκαμβωνίδαι.
Σούνιον (*-ιεὺς*) afterwards belonged to Attalis.
Ὑβάδαι.
Φρεάῤῥιοι.
Χολλίδαι, also in II.

V. Acamantis.

Ἀγνοῦς (*-ούσιος*) afterwards belonged to Attalis.
Εἰρεσίδαι.
Ἕρμος (*ειος*) comp. Palmer. exercc. p. 184.
Ἡφαιστιάδαι.
Θορικός (*-ίκιος*).
Ἰτέα (*-αῖος*) see the Lex. Rhet. post Phot. Pors. p. 671; also in X.
Κεραμεῖς (*ἐκ K.*)
Κεφαλὴ (*-ῆθεν*).
Κίκυννα (*-εὺς* or *όθεν*) at first in VII.
Κυρτιάδαι.
Πόρος (*-ιος*).
Πρόσπαλτα (*-ιος*).
Ῥακίδαι.
Σφηττὸς (*-ιος*)
Χόλαργος (*-εύς*).

VI. Œneis.

Ἀχάρνα (*-εύς*).
Βουτάδαι.
(*Γαργηττός*, Schol. Aristoph. Thesmoph. 898; but see II.)
Ἐπικηφίσιοι.
Θρία (*-ιάσιος*).
Ἱπποταμάδαι.
Κοθωκίδαι, see C. I. p. 238, and the Schol. Aristoph. Thesm. 630.
Λακιάδαι.
Λουσία (*εύς*).
(*Μελίτη*, Steph. Byzant., but see VII.)
Ὄη (*-ῆθεν*).
Περιθοῖδαι.
Πτελέα (*-άσιος*).
Τυρμίδαι, afterwards belonged to Attalis.
Φυλὴ (*-άσιος*).

VII. Cecropis.

Ἀθμονία (*-εύς*).
Αἰξωνὴ (*-εύς*).
Ἀλαὶ Αἰξωνίδες.
Δαιδαλίδαι.
Ἐπιεικίδαι.
Κίκυννα, afterwards in V.; see C. I. n. 172.
Μελιτὴ (*-εὺς*), see Boeckh ad C. I. p. 125.
Ξυπέτη (*-εών*).
Πίθος (*-εύς*).
Συπαλήττος (*-ιος*).
Τρινεμεῖς.
Φλύα (*-εύς*), afterwards belonged to Ptolemais.

VIII. Hippothoontis.

Ἀζηνιὰ (*-εύς*).
Ἀμαξάντεια (*-εύς*).
Ἀνακαία (*-εύς*).
Αὐρίδαι (*?*)
Ἀχερδοῦς (*-ούσιος*).
Δεκελεία (*-εύς*).
Ἐλαιοῦς (*ούσιος*) afterwards in Hadrianis.
Ἐλευσίς (*ίνιος*).
Ἐροιάδαι.
Θυμοιτάδαι.
Κειριάδαι.
Κοίλη (*ἐκ Κ.*)
Κόπρος (*-ειος*) see Boeckh ad C. I. p. 216.
Κορυδαλλός (*εύς*).
Οἰνέη (*-αῖος*).
Οἶον Δεκελεικὸν (*ἐξ Οἴου*).
Πειραιεὺς (*ἐκ Π.*)
Σφενδάλη (*-εύς*).

IX. Æantis.

Ἀναγυροῦς, see I.
Ἄφιδνα, see IV; afterwards belonged to Hadr.
Θυργωνίδαι, afterwards belonged to Ptolem.
Μαραθὼν (*-ώνιος*).
Κύκαλα (*-αῖος*).
Οἰναῖοι, (distinct from VIII; comp. Corsin. F. A. i. p. 240) afterwards belonged to Attalis.
Περῥίδαι, afterwards in X.
Ῥαμνοῦς (*-ούσιος*).
Τιτακίδαι, afterwards in X.
Τρικόρυθος (*-ύσιος*).
Φάληρος (*-εὺς*) see Boeckh ad C. I. p. 309.
Φηγαία, see also II.
Ψοφίδαι.

X. Antiochis.

Ἀγγυλὴ (*-ῆθεν*)? C. I. n. 172.
Ἀλωπεκὴ (*-ῆθεν*).

'Αμφιτροπὴ (-αιεὺς or ἤθεν).
'Ανάφλυστος (-ιος).
'Ατήνη (-εὺς) afterwards belonged to Attalis.
Βῆσα (-αιεὺς), afterwards belonged to Hadr.
Θοραὶ (-άθεν).
'Ιτέα, also in V; see Boeckh l. l. p. 308.
Κολωνὸς, afterwards in II.
Κριώα (-ῶθεν).
Λέκκον (-ιος).
Λευκοπύρα (-αιος).
Μελαινεῖς, see Marx ad Ephor. p. 119.
Παλλήνη (-εύς).
Πεντέλη (-ῆθεν).
Περῤῥίδαι, at first IX.
Σημαχίδαι.
Τιτακίδαι, at first IX.
(Φάληρος, more probably IX.
Φυρν . . . . .

To these were afterwards added:
Βερενικίδαι to the tribe Ptolemais; see Boeckh ad C. I. i. p. 498.
'Απολλωνιεῖς to the tribe Attalis.

The tribes to which the following belonged are not known:
Βραύρων.
'Εχελίδαι.
Μίλητος, comp. Boeckh l. l. p. 506, who is opposed by Grotef. p. 41.
Σαλαμίνιοι.
Σποργίλιοι.
Φορμίσιοι.

INDEX.

N. B. The first figure denotes the section, the second, the note.

Abantes, §. 15. n. 19, 20.
Abdera, 78. 26.
Abydus, 78. 19.
Acanthus, 81. 7.
Acarnan, 8. 9.
Acarnania, 7. 3; 184. 3.
Acarnanians, 177. 6; 183. 8.
Accountability, of magistrates and others, 154. 2, sqq.
— of members of the council, 126. 15.
Achæans, 8. 10; 17. 8; 18. 14.
— their colonies, 80. 15, sqq.
— their league, 50. 10—16; 185—189.
Achaia, 17. 20; 33. 1; 36. 15.
Achniadæ, 98. 10.
Ἀκοὴν μαρτυρεῖν, 142. 13.
Ἀκοσμία, 21. 6.
Acræphia, 179. 11.
Acrisius, 14. 1.
Acrocorinth, 187. 4; 188. 6.
Ἀκταῖαι πόλεις, 76. 14.
Actæus, Ἀκτή, 92. 2.
Ἄδεια, 133. 5.
Adimantus, 167. 15.
Adoption, 100. 13; 120. 1, sqq.
Adulterers, 104. 3.
Ἀδύνατοι, 152. 14.
Æolians, 8. 9; 12. 15; 15. 11, sqq.
— in Asia Minor, 76.
Age, the legal, at Sparta, 24. 10.
Age, the legal, at Athens, 123. 1—11. 129. 5.
—— for a senator, 108. 2.
—— for a judge, 134, 3; 145. 15.
—— for a magistrate, 148. 6.
— of majority, 123.
Ægeus, 95. 4; 96. 11.
Ægialea, 17. 2; 96. 5.
Ægidæ, 15. 20.
Ægimius, 20. 1.
Ægina, 18. 11; 117. 5; 176. 17; 186.
— coins of, 33. 5.
Ægium, 186. 1.
Ægospotamos, 167. 15.
Ἀειναῦται, 87. 8.
Ἀείσιτοι, 127. 15.
Æclus, 77. 4.
Ænianes, 12. 17.
Ænus, 76. 16.
Æpytidæ, 18. 14.
Æschines, 173. 11.
Æsymnetæ, 63. 7. 9.
Ætna, 84. 12.
Ætolians, 12. 11; 17. 17; 182. 12.
— their league, 183. 184.
Ἀγαθοεργοί, 29. 13.
Ἀγχιστεία, 118. 2.
Ἀγέλαι, 22. 4; 26. 5.
Agesilaus, 49. 1.
Agis, 32. 3.
— II. 174. 9; 177. 5.
— III. 49. 6.
Ἀγὼν τιμητὸς, and ἀτιμ. 143. 6—9.
Ἀγοραί, 55. 12; 128. 1.
Agoranomi, 150. 8.
Ἄγραφοι νόμοι, 53. 4; 54. 3.
Agraulos, sacred enclosure of, 123. 7.
Agrigentum, 85. 9—18.
Agyrrhius, 128. 12; 171. 8.
Αἰδεῖσθαι, 104. 6, 7.
Αἰκίας δίκη, 135. 9; 143. 6.
Alaric, 189. 19.
Alcibiades, 157. 14; 164. 12; 167. 10—12.
Alcmæonidæ, 103. 17.
Aletes, 18. 9.
Aleuadæ, 178. 9.
Alexander the Gr. 174. 3; 182. 7.
— Pheræ, 178. 14.
Allies of Athens, 39. 3; 41. 15; 156, 157; 170. 8; 173. 8.
— war of the Athenian, 172. 1, sqq.
—— Achæan, 184. 13.
Ἀλογίου γραφή, 154. 6.
Althæmenes, 20. 8.
Amarynthus, 11. 11.
Ambassadors, 125. 6; 154. 4.
Ambracia, 86. 4.
Amisus, 78. 17.
Amnesties, 71. 5; 169. 6.
Amphea, 31. 3.
Amphictyon, 12. 1, and 18; 93. 2.
Amphictyons, 11—14.
Amphilochus, 8. 9; 76. 2.
Amphipolis, 86. 20; 172. 15.

Ἀμφισβητεῖν, 121. 7; 140. 15.
Amphissa, 13. 6; 173. 15.
Amyclæ, 18. 15.
— in Italy, 80. 16.
Ἀναδικος δίκη, 145. 3.
Ἀνακες, 102. 2.
Ἀνάκρισις, 141. 1.
Anactorium, 86. 3.
Anaxilas, 82. 11; 83. 9.
Ancestry, pride of, 57. 4.
Ancæus, (of Samos,) 77. 17.
Ἀνδρια, 22. 5.
Androcles, 166. 8.
Androclus, 77. 2.
Ἀνδροληψία, 104. 7.
Andropompus, 102. 6.
Andros, 81. 7; 172. 4.
Ἀνεψιῶν παῖδες, 121. 3.
Antalcidas, 41. 1; 180. 10.
Anthedon, 179. 3.
Anthela, 14. 3.
Anthesteria, (the,) 161. 2.
Antigonia, 187. 5.
Antigonias, 175. 7.
Antigonus Gonatas, 175. 17; 185. 4.
— Doson, 49. 10; 187. 4, sqq.
Antiochus, the Great, 184. 18.
Antipater, 174. 17.
Antiphemus, 85. 4.
Antiphus, 15. 10.
Antiphon, 167. 1.
Antiquities, 1. 1.
— sacred, 2. 3.
Ἀντιγραφεὺς, 127. 18.
— γραφὴ, 141. 2.
— δοσις, 162. 18.
— λαχεῖν, 145. 1.
— τιμᾶσθαι, 143. 11.
— ὑπωμοσία, 144. 10.
— ωμοσία, 141. 3.
Antony, 176. 17 and 19.
Anytus, 163. 8; 169. 1.
Aones, 15. 16.
Apagoge, 137. 3, sqq.; 139. 12.
Apaturia, 100. 10; 102. 6.
Aphamiotæ, 19. 18; 22. 8.
Ἀφανὴς οὐσία, 162. 14.
Ἀφελὴς, 148. 7.
Ἀφετοὶ ἡμεραι, 127. 1.
Apia, 17. 2.
Apollo πατρῷος, 96. 8; 100. 5.
Apollonia, on the Aous, 86. 5.
— on the Pontus, 78. 22.
Ἀπογραφὴ, 136. 9; 151. 3.
— δεκταί, 151. 14.
— ἐλευθερος, 114. 10.
— κήρυξις, 122. 11.
— κλητοί, 184. 10.
— λαχεῖν, 149. 13.
— λείπειν, 122. 4.
— πέμπειν, 122. 4.
Ἀποστασίου δίκη, 114. 13; 115. 8.
— στολεῖς, 161. 20.
— τιμᾶσθαι, 122. 5.
— τυμπανίζειν, 139. 7.
— φησις, 109. 10.
— φρὰς, 127. 1.
Appeals, 140. 16; 145, 2, sqq.
Ἄπροικος, 122. 2.
Ἀπρόσκλητος, 140. 5.
Ἀπροστασίου δίκη, 115. 8.
Aratus, 175. 20; 185. 6; 186. 15; 187. 10.
Arbiters, 145. 11—20.
Archæanactidæ, 78. 23.
Archæography, 1. 3.
Archæology, 1. 7.
Ἀρχαιολογία, 1. 1.
Ἀρχαιρεσίαι, 123. 5; 149.
Ἀρχαιρεσιάζειν, 130. 3.
Archander, 17. 8.
Ἄρχειν, 116. 1; 125. 2.
Ἀρχὴ, 147. 5.
Archias of Corinth, 57. 10.
— of Thebes, 180. 11.
Archinus, 169. 1.
Architheoria, 161. 4.
Archives, 127. 8.
Ἀρχώνης, 126. 12.
Archons, in Athens, 103. 1—6; 109. 1; 112. 7; 138. 3, 14, sqq.; 148. 5; 175. 6.
— in Bœotia, 180. 14; 182. 10.
Ardettus, 134. 10.
Areopagus, 105. 2, sqq.; 109. 2, sqq.; 169. 9; 176. 13.
Areus, 175. 16; 183. 13.
Ἀρετὴ, 57. 3.
Argonauts, 6. 6.
Ἄργος, 7. 9.
Argos, 18. 2; 23. 3, 4; 33. 2, sqq.; 36. 13; 38. 10; 41. 5; 66. 13; 71. 4; 186.
— πελασγ., 15. 11.
— Amphictyony of, 11. 6.
Ἀργυρολογεῖν, 166. 4.
Aristænus, 188. 4.
Aristides, 112. 7; 155. 1.
Ἀριστίνδην, 58. 4.
Aristion, 175. 8.
Aristodemus of Cumæ, 82. 6.
Aristocrates, 32. 1.
— the son of Scellius, 167. 2.
Aristocracy, 57, 58, coll. 67. 1.
Aristomachus, his sons, 18. 2.
Aristophon, 118. 8; 170. 13.
Arcadia, 17. 3, 4; 32. 2; 42. 7; 177. 1; 187. 1.
Armies, Spartan. 129.
— Athenian, 152.
— Achæan, 187.
— pay of, 152. 16.
Arnarium, 185. 6.
Arne, 15. 13, 15.
Aroë, 189. 7.
Arrhephoria, 161. 2.
Artaxerxes, 40. 11.
Asclepiadæ, 5. 6.
Asia Minor, 39. 10—12.
Ἄσπονδος πόλεμος, 10. 3.
Assistants, (assessores,) 138. 12; 149. 12.
Astacus, 86. 11.
Astu, 97. 6.
Astynomi, 150. 7.
Ἀσυλία, 116. 2.
Ἀτελεία, 116. 3; 162. 1.
— στρατείας, 152. 15.
Athens, 97. 5.
— on the lake Copais, etc. 91. 4.
Athenion, 176. 7.
Athlothetæ, 150. 3; 161. 7.
Ἀτίμητος ἀγὼν, 143. 8.

Atimia, 124.
— partial, 143. 18; 144. 2.
Atlantis, 91. 3.
Atridæ, 16. 1.
Ἀτριάκαστοι, 99. 3.
Attalis, 175. 9.
Augustus, 176. 17; 184. 23.
Autochthonia, 17. 4; 91. 12.
Αὐτοκράτωρ, 125. 10.
Autonomia, 41. 2.
Αὐτοτελῶς, 54. 3; 103. 10.
Ἄξονες, 107. 1.

Βάραθρον, 139. 7.
Βάρβαρος, 7. 1.
Βασανισταί, 141. 15.
Βασιλεῖς, 103. 2.
Βασιλεύς, 138. 7.
Battle of Ægospotamos, 167. 15.
— Chæronea, 173. 18.
— Cyzicus, 167. 18.
— Caphyæ, 184. 13.
— Cnidus, 40. 9.
— Coronea, 37. 8.
— Delium, 38. 6.
— ἐν ἑβδόμῃ, 33. 10.
— Laos, 82. 15.
— Leuctra, 42. 2.
— Leucopetra, 189. 1.
— Marathon, 112. 5.
— Mantinea, 38. 14; 42. 19; 50. 7; 188. 2.
— Megalopolis, 174. 9.
— Œnophytæ, 37. 7.
— Sagra, 80. 10.
— Sellasia, 49. 11.
— Scarphea, 189. 1.
— Tamynæ, 172. 10.
— Tanagra, 37. 6.
Battus, 79. 16.
Betrothing, 119. 6.
Βίδεοι, 25. 15.
Bigamy, 119. 2.
Bithyni, 19. 15.
Boedromia, 95. 8.
Bœotarchs, 179. 12; 181. 4.
Bœotia, 15. 16.
Bœotians, 15. 13; 38. 6, 12.
Bœotian league, 179—182.
Βοιωτιάζοντες, 170. 11.
Βοῶναι, 150. 2.
Borysthenes, 78. 21.
Bosphorus, 78. 23.
Βοῦαι, βουαγοί, 26. 5, 13.
Βουκολεῖον, 138. 14.
Βουλαῖοι θεοί, 127. 2.
Βούλευσις, 105. 4.
Βουλή, 54. 4; see Council.
Βουλόμενος (ὁ) οἷς ἔξεστι, 135. 3.
Brasidas, 39. 4.
Βρασίδειοι, 48. 6.
Bribery, at Sparta, 47. 2.
— at Athens, 163. 8.
Bruttii, 82. 15.
Bura, 185. 3.
Butas, 92. 2.
Byzantium, 19. 15; 86. 15; 167. 10; 173. 10.

Cadme, 77. 13.
Cadmea, 41. 11.
Cadmeonæ, 15. 18.
Cadmus, 4. 6.
Calaurea, 11. 8; 96. 12.
Calchas, 76. 1.
Callias, 170. 10.
Callicyrii, 19. 16.
Callicrates, 188. 12.
Callistratus, 172. 10.
Camarina, 84. 16.
Canonus, 133. 10.
Caphyæ, battle of, 184. 13; 187. 19.
Carians, 6. 10; 7. 4.
— kings, 79. 6.
Cassander, 175. 2; 182. 9.
Cassandrea, 81. 9.
Castes, 5.
Catana, 83. 3; 84. 12.
Caucones, 7. 7.
Caulonia, 80. 12.
Cavalry, Spartan, 29. 10—15.
— Athenian, 152. 17.
— Thessalian, 178. 2.
Cecrops, 4. 6; 91. 6, sqq.
Census, 59. 8; 67. 1.
— at Athens, 107. 4; 148. 1; 162. 12.
Cephallenia, 8. 9; 176. 23; 184. 2.
Cephalus, 170. 12.
Cersobleptes, 172. 12.
Chabrias, 170. 9; 172. 2.
Chæronea, 179. 9.
Chæronea battle of, 173. 18.
Chalcedon, 86. 12.
Chalcis, 77. 4; 81. 2; 188. 7.
— colonies of, 81—83.
Chalia, 179. 3.
Chares, 171. 17.
Charidemus, 171. 18.
Charicles, 169. 4.
Charondas, 89. 4, 12.
Χειροκρατία, 52. 9.
— τέχναι, 5. 6.
— τονεῖν, 130. 1.
— τονία, —ητοί, 149. 1.
Chersicrates, 86. 7.
Chersonesus, 172. 12; 173. 9.
— Taurica, 78. 23.
Χιλίας ὀφλεῖν, 144. 2.
Χίλιοι, 88. 2.
Chilon, 43. 5.
— 50. 4.
Chios, 77. 9, 11; 172. 6.
Χοιρίναι, 143. 1.
Chones, 15. 8.
Choregia, 161. 2.
Χωρὶς οἰκεῖν, 114. 10.
Χρεῶν ἀποκοπή, 63. 1.
Χρηματίζειν, 129. 2.
Chremonidæ, war of, 175. 15.
Chronology, 4. 2.
Cimmerians, 78. 18.
Cimmerian Bosphorus, 78. 23.
Cimon, 36. 10; 37. 10; 158. 1, sqq.
— peace of, 39. 10.
Cinadon, 48. 10.
Cirrha, 13. 6.
Citizens, pretended, 123. 15.
Citizenship, rights of, 51. 8.
— at Sparta, 24. 10—12.
— at Athens, 117, 118.
Clazomenæ, 77. 16.
Cleandridas, 47. 2.
Clearchus, 46. 9.
— of Heraclea, 86. 28.
Cleomenes I., 33. 10.
— III. 49. 7, sqq.
Cleon, 164. 7.
Cleophon, 167. 16—18.
Clepsydra, 142. 5.
Clerks, 127. 17; 147. 2.
— of the market, 150. 9.

Cleruchi, 86. 19; 117. 4, 5; 162. 19; 172. 2, 4.
Cleuas and Malaos, 76. 11.
Clisthenes of Sicyon, 65. 3.
— of Athens, 99. 2; 110, sqq.
Clitarchus, 173. 4, 6.
Clubs, 70. 1.
Clytiadæ, 5. 6.
Cnidus, 79. 10.
Cnossus, 20. 7, 8.
Codrus, 102. 9.
— sons of, 77. 2.
Colacretæ, 134. 18; 151. 13.
Colonies, 73. 90.
— Egyptian, 4. 6.
—— in Attica, 91. 15.
— Athenian, 166. 4—6.
— Roman in Greece, 189. 6—9.
Colonization, 74. 3.
Comedy at Athens, 171. 9.
Commercial laws, 136. 6; 150. 10.
— courts of, 146. 4.
Commissions, 147. 2.
Commissioners of public buildings, 150. 8.
Compromise, 145. 18.
Concubinage, 119. 3.
Confiscation, 124. 11; 126. 11; 139. 4; 143. 18; 151. 3; 163. 5.
Conon, 170. 4.
Conspiracies, 164. 1, 11.
Contracts, 9. 5; 10. 4.
Copæ, 179. 3.
Copais, (Lake,) 92. 5.
Corcyra, 71. 7; 86. 7.
Corinth, 17. 6; 34. 11; 185. 6.
— its colonies, 26. 1—6.
— Roman colony at, 189. 6.
Corn, inspectors of, 150. 11.
Corinthian war, 40.
Coronea, battle of, 37. 8; 158. 8; 179. 3.
Cosmi, 21. 4.
Cosmeten, 176. 18.
Cosmopolis, 89. 13.
Cothus, 77. 4.
Cottyphus, 12. 10.
Cotys, 172. 12.
Counter-pleas, 144. 4.
Courts martial, 146. 2.
Cowardice, 124. 3. 148. 3.
Currency, standard of the, 106. 7.
Cranon, 178. 5, 10.
Crown, of the Archons, 124. 4.
—of the orators, 129. 12.
Creon, 103. 5.
Cresphontes, 18. 4.
Crete, 20. 5; 21, 22.
Crissa, 13. 6.
Critias, 168. 13.
Critolaus, 188. 15.
Crotona, 80. 11; 90. 2, sqq.
Cuma, 82. 1.
Curetes, 7. 5.
Cyclades, 77. 6.
Cyclopian walls, 7. 11.
Cylon, 90. 8.
— of Athens, 103. 14.
Cyme, Phriconis, 76. 11.
— Opica, 82. 1.
Cynurea, 33. 8; 96. 6.
Cynosarges, 118. 5.
Cyprian war, 170. 7.
Cypselidæ, 65. 4.
Cyrene, 79. 15.
Cyzicus, 78. 14, 17.
— battle of, 167. 8.

Dædalidæ, 5. 6; 93. 8.
Damiurgi, 186. 10.
Danaus, 4. 6; 17. 8.
Death, punishment of, 139. 7.
Debtors, state, 124. 9, 13.
Decadarchia, 178. 16.
Decarchiæ, 39. 7.
Δεκάτη, 167. 13; 170. 6.
Decelea, 166. 7.
Decius Jubellius, 82. 12.
Default, judgment by, 144. 5.
Deïphontes, 18. 7.
Δεκαδοῦχοι, 169. 4.
Delay, suit for, 144. 9.
Delium, battle of, 38. 6.
Delos, 77. 5; 117. 5; 156. 7; 176. 2.
— Apoll. 96. 12.
— Amphictyony of, 11. 9.
Delphi, 14. 3; 183. 11; 189. 5.
Delphi, oracle of, 23. 2.
— temple of, 13. 6.
Delphinium, 104. 15.
Demades, 174. 16.
Demagogy, 69. 2, sqq.
— at Athens, 164, 8, sqq.
Demarchs, 111. 5; 149. 8; 162. 15.
Demetrias, 188. 7.
Demetrius of Phalerus, 178. 3.
— of Pharus, 187. 12.
— Poliorcetes, 175. 4—12; 183. 12.
Δημιόπρατα, 126. 11.
Demiurgi, 98. 4.
— at Larissa, 178. 12.
Δήμιος, δημόκοινος, 139. 8.
Δῆμος, 69. 1.
Demi at Athens, 111. 6, sqq.; 123. 18; 152. 8.
Democracy, 66—72.
— in Athens, 97. 4; 112, sqq.
— in favour of Athens, 39. 3.
— at Thebes, 180. 16.
— in Achaia, 186. 12
Demophantus, 167. 8.
Δημοποίητοι, 100. 4; 117. 8.
Δημόσιοι δοῦλοι, 147. 4.
Demosthenes, 171. 14; 173. 13; 174. 8, 18.
Demuchi, 180. 9.
Διαβατήρια, 25. 10.
— γράφειν, 140. 6.
— δικασία, 121. 7; 140. 15; 141. 9.
— μαρτυρία, 141. 7, 8.
— μαστίγωσις, 26. 7.
— μεμετρημένη ἡμέρα, 142. 5.
— τετρυπημένη ψῆφος, 143. 3.
— ψήφισις, 123. 14.
— ωμοσία, 141. 3.
Diætetæ, 133. 12; 145. 11—20.
Diæus, 188. 15.
Diacria, 92. 10, 11.
Diacrii, 106. 2.
Dicæarchia, 82. 4.
Δίκαι, 155. 4, 5.
Δίκη, 55. 4.

Δίκαι, ἀπὸ συμβόλων, 116. 6.
Δικάσται κ. δήμους, 146. 10.
Dicasteria, 134. 15.
Dicasticon, 134. 19.
Dinocrates, 188. 10.
Diocles, 89. 6.
— at Athens, 169. 9.
Diomedes, 17. 10; 76. 1.
Dionysia, 161. 2.
Diopithes, 173. 9.
Disinheritance, 122. 11.
Divorce, 122. 4.
Διφυὴς, 91. 18.
Dodona, 8. 7.
Dokimasia of the citizens, 123. 12.
— of the orators, 129. 7.
— of public officers, 148. 2.
Dolopes, 12. 7.
Domains, sacred, 126. 6.
Δωρεὰ, 126. 16.
Doridas and Hyantidas, 18. 14.
Dorians, the, 16. 2, sqq.; 20, sqq.
— their national league, 18. 2.
— in Asia Minor, 79.
— in Italy, 80. 2, sqq.
— in Sicily, 84, and 85.
Dorieus, 75. 7.
Δωροξενίας γραφὴ, 123. 13.
Dorymachus, 184. 12.
Δορυφόροι, 63. 5.
Δορύξενος, 10. 1.
Dowries at Sparta, 47. 11.
— at Athens, 122. 2.
Dracon, 103 and 104.
Dracontides, 168. 4.
Δρασκάζειν, 105. 14.
Drusus, priests of, 176. 20.
Dryopes, 12. 4; 16. 6; 77. 14.
Dyme, 189. 8.
Δυναστεία, 58. 11.
Dyrrachium, 86. 6.

Earthquakes, 6. 2.
— in Laconia, 37. 3.
— in Achaia, 185. 3.
Ἐχῖνος, 141. 12.
Ἐγγύησις, 119. 6.
Εἰκόστη, 166. 5.
Εἴργεσθαι τῶν νομίμων, 105. 9.
Εἴρην, 26. 12.
Eisangelia, 133. 6, sqq.; 144. 1.
Εἰσάγειν εἰς φρατρίαν, etc., 100. 3.
— ἀγωγεῖς, 138. 2 and 4.
— ἰτήρια, 127. 2.
— φορὰ, 162. 8.
Ἐκεχειρία, 10. 6.
Ἐκκλησία, in Sp. 24. 2;
— μικρὰ, 24. 11.
— in Crete, 21. 3.
— in Athens, 128—133.
Ἐκκλησιαστικὸν, 128. 12; 171. 8.
— κλητεύειν, 142. 10.
— κλητὸς πόλις, 116. 6.
— λέγειν, 126. 13.
— λογεῖς, 157. 11; 162. 17.
— μαρτυρεῖν, 142. 13.
— φυλλοφορία, 126. 18.
Elæus, 78. 9.
Elatea, 173. 16.
Elea, 78. 27.
Eleusis, 169. 3.
Eleusinian war, 91. 9.
Eleutheræ, 102. 5; 179. 4.
Eleutheria festival of the, 35. 7.
Eleven (the) 139.
Elis, 17. 15; 40. 4 and 6; 184. 4.
Embateria, 31. 9.
Emmenidæ, 85. 10.
Ἔμμηνοι δίκαι, 146. 7.
Ἔμπασις, 116. 2.
Empedocles, 85. 12.
Ἐμπέλωροι, 25. 15.
Emporium, 150. 10.
Ἔμπορος, 6. 6.
— ικαὶ δίκαι, 146. 5.
Endeixis, 137. 5.
Ἐνεπισκήπτεσθαι, 140. 14.
— ἐχυράζεσθαι, 143. 15.
— κτησις, 116. 2.
— κεκτημένοι, 111. 14.
— οἰκίου δίκη, 143. 16.
— ωμοτία, 29. 3.
Epaminondas, 30. 13; 172. 5; 181. 1.
Ἐπάριτοι, 42. 7.
Ἐπευνακταί, 80. 3.
Epeus, 76. 3.
Epei, 7. 6; 17. 16.
Ephebi at Sp. 26. 11.
— at Athens, 123. 5; 176. 18.
Ephegesis, 137. 4.
Ἔφεσις, 145. 10.
Ephetæ, 103. 11; 104. 3 and 10.
Ephialtes, 109. 5; 164. 2.
Ephori at Sparta, 43—45; 50. 1, sqq.
— at Athens, 168. 1.
Ἐπὶ Θράκης, 81. 5.
— ἀγγελία, 129. 7.
— βολὴ, 137. 10.
— γαμία, 59. 5; 116. 2.
— γράφεσθαι, 135. 2; 163. 9.
—— προστάτην, 115. 5.
— δικάζεσθαι, 121. 4.
— δοσις, 160. 7.
— ἐξιέναι (μὴ) 144. 3.
— θετοὶ ἑορταί, 171. 11.
— κληρος, at Sparta, 25. 14; 47. 9.
— — at Athens, 121. 4; 133. 11.
— λαχεῖν, 149. 6.
— λεκτοὶ, 187. 3.
— μαχία, 11. 3.
— μεληταὶ, 138. 3; 147. 7, sqq.
— — τῶν φυλῶν, 111. 10; 149. 8.
— — τοῦ ἐμπορίου, 136. 6.
— — τῶν κακούργων, 139. 13.
— — τῶν μυστηρίων, 150. 1.
— — τῶν νεωρίων, 161. 20.
— μορτοι, 101. 9.
— παματὶς, 25. 14.
— προικος, 122. 1.
— σημαίνεσθαι, 154. 11.
— σίτιοι, 101. 8.
— σκηψις, 89. 12; 145. 5.
— σκοπος, 157. 7.
— στάτης, 127. 7 and 9; 129. 13—18.
Ἐπιστάτης δημοσίων ἔργων, 133. 8; 149. 7.
— στολεὺς, 46. 7.
— τιμος, 124.
— τριηράρχημα, 162. 5.

Ἐπιτροπή, 145. 18.
— τροπος, 122. 12.
— χειροτονία νόμων, 131. 3.
— — ἀρχῶν, 128. 3; 154. 1.
— ψηφίζειν, 129. 16.
— ωβελία, 144. 4.
— ώνιον, 126. 8.
— ώνυμοι, at Sparta, 44. 3; 50. 21.
— — at Athens, 138. 5; 175. 7; (ἐν τοῖς) 152. 13.
— — of the tribes, 111. 2; (πρὸ τῶν) 131. 6.
Epidamnus, 86. 6.
Epidaurus, 18. 7; 77. 17; 96. 4; 186.
Epirus, 15. 6.
Epitadeus, 47. 10.
Equality, 66. 9.
Ἔρανοι, 146. 9.
Eratosthenes, 169. 4.
Erechtheus, 92. 2 and 7.
— — γηγενής, 91. 19.
— — from Egypt, 91. 18.
Eretria, 77. 4; 81. 3; 176. 17.
Ἔρημος δίκη, 144. 5.
Erichthonius, 92. 2 and 7.
Ἔθνη, 98. 1.
Eubœa, 37. 10; 172. 10; 173. 4.
Eubulus, 171. 12; 173. 11.
Εὐεργεσία, 116. 4.
Εὐγενεία, 57. 4.
Euclides, archonship of, 169. 8.
Eumolpidæ (the) 146. 3.
Eumolpus, 91. 9.
Eunidæ (the) 5. 6.
Eupatridæ, 98. 1; 101. 2, sqq.
Euphemidæ, 79. 16.
Eurystheus, 16. 1.
Euthuni, 154. 5, sqq.
Εὐθυδικία, 141. 4.
Εὐξεινος πόντος, 78. 24.
Ἐξαγωγεῖς, 41. 17.
— ἐκκλησιάζειν, 128. 10.
— ἠγηταὶ, 104. 4.
— ὁμνυσθαι, 142. 9.
— οὐλης δίκη, 143. 16.
Exchange of property, 162. 18.
Executioner, 139. 8.
Exile, 9. 9; 71. 3.

Families, (γένη) 99. 3 and 7; 101. 1.
Family disputes, 138. 6.
Fees, justice, 140. 8.
Festival days, 127. 1.
Festivals, the national, 10. 10.
Finance, the Athenian, 126. 8.
— officers of, 151.
Fines, at Sparta, 47. 2.
— at Athens, 129. 14; 133. 9; 137. 10; 143. 18; 163. 1.
Flaminius, 188. 6.
Foreigners, 9. 2, sqq.
— before the courts, 146. 5.
Forty, board of, 146. 10.
Free cities under the Romans, 189. 6.
Freedmen, at Sparta, 24. 14.
— at Athens, 114. 10.

Gallienus, 176. 26.
Gauls, 175. 14; 183. 14.
Γαμηλίαν εἰσφέρειν, 100. 1.
Gela, 85. 3—7.
Geleontes, 94. 5—9.
Gelon, 85. 6.
Genealogy, 4. 4.
Γενέαι, 4. 1.
Γένη, γεννῆται, 99. 10.
Geography, 6. 1.
Gephyræi, 15. 20; 102. 7.
Gergithæ, 87. 8.
Γερουσία, 25. 4; 54. 4.
Γέρρα, 128. 11.
Geomori, 60. 4.
— in Athens, 98. 4.
Γῆς ἀναδασμὸς, 63. 1.
Γνώριμοι, 58. 7.
Gorgias, 178. 11.
Gorgidas, 181. 2.
Gortyna, 20. 8.
Goths, 189. 18.
Γραῖκοι, 8. 5.
Γραμματεὺς at Athens, 127. 17.
— in Ætolia, 184. 9.
Γραμματεὺς in Achaia, 185. 5.
Graüs, 76. 6.
Γραφαὶ, 135. 4 and 6.
Greece, extent of its coast, 6. 4.
Græcia Magna, 80. 1.
Guardianship, 122. 12; 136. 10.
Gryneian Apollo, 76. 12.
Gylippus, 47. 2.
Gymnastics in Sparta, 27. 5—10.
Gymnasia in Athens, 118. 4; 123. 4.
Gymnasiarchia, 161. 3; 176. 18.
Γυμνῆτες, 19. 12.
Gymnopædia, 27. 9.
Γυναικονόμοι, 150. 5.

Hadrian, 176. 21; 189. 14.
Αἵρεσις, 149. 1.
Half sisters, 119. 4.
Ἁλία, 134. 10.
Haliartus, 176. 2; 179. 3.
Halicarnassus, 79. 6.
Harmodius, 110. 5.
Harmosts, 39. 8.
Harmosyni, 25. 15.
Harpalus, 174. 7.
Ἡβῶν ἐπὶ διετὲς, 123. 2.
Ἥβη (ἀφ'), 152. 11.
Ἑβδόμη, battle of, 33. 10.
Hecatombæon, 127. 6.
Hecatonnesi, 76. 8.
Ἑκτημόριοι, 101. 9.
Hectenes, 15. 16.
Hegemonia, 34. 1.
— Athenian, 156. 2.
— Macedonian, 174. 5; 187. 8.
Heiresses, see Ἐπίκληροι.
Ἡγεμονία δίκαστηρίων, 138. 2; of the Strategi, 153. 4; of the Logistæ, 154. 12; of the ἀποστολεῖς, 161. 20.
— of the συμμοριῶν, 161. 17; 162. 13.
Heliæa, 134. 10; 148. 8.
Helice, 185. 3.
Hellanodicæ, 35. 6.
Hellas, 8. 4.

Hellenes, 8. 2. sqq.
Hellenotamiæ, 156. 6.
Ἕλλοι, Ἑλλοπία, 8. 5.
Helots, 19. 13, 19; 24. 13; 28. 9; 30. 8; 48. 2, sqq.
Hemlock-juice, 139. 7.
Ἑνδεκα, 137. 7; 139. 1, sqq.
Hephæstæa, 161. 3.
Heraclea in Italy, 80. 23.
— near Mount Œta, 86. 21; 183. 10; 188. 15.
— on the Pontus, 19. 17; 86. 16.
Heraclidæ, 15. 1 and 10; 16. 1; 20. 2; 49. 12.
Hereditary professions, 5. 6.
Hercules, 10. 14; 18. 1; 23. 12.
— the several persons so called, 96. 12.
Hermocopidæ, 165. 18.
Herodes Atticus, 176. 24.
Heralds, 10. 3.
Ἑστίασις, 161. 5.
Ἑταιρίαι, 70. 2.
Hetoëmaridas, 36. 6.
Ἱερεῖς τῶν Σωτήρων, 175. 6.
Hiero, 84. 11—13; 85. 5.
Ἱερομηνία, 10. 9.
Hieromnemons, 14. 6, sqq.
Ἱεροποιοί, 150. 1.
Himera, 83. 6 and 15.
Hipparchs, in Athens, 52. 2; 153. 7.
— in Bœotia, 180. 13.
— in Ætolia, 184. 9.
— in Achaia, 186. 8.
Ἱππαγρέται, 29. 12.
Hippias, 110. 5.
Hippocrates of Gela, 84. 5.
Hippomenes, 103. 4.
Hipponium, 80. 27.
Ἱπποτροφία, 57. 2.
Histiæotis, 16. 3, 4.
Ὁμαγύριος Ζεύς, 186. 1.
Homeridæ, 5. 6.
Homeric times, 55. 2, sqq.
— poems in Sparta, 27. 7.
Ὁμογάλακτες, 99. 8.
Homicide, Athenian law of, 104, 105.
Hoplites, 67. 2.
Hoplites, in Sparta, 30. 3.
Ὅροι, 106. 9.
Hospitality, the rights of, 10. 1.
Hyantes, 15. 16.
Hybla, 88. 3.
Hydriaphoria, 115. 10.
Hyllæi, 20. 3.
Hyperacrii, 106. 2.
Hyperbolus, 164. 10.
Hyperides, 174. 12.
Ὑπερήμερος, 143. 14.
Ὑποβολιμαῖοι, 122. 3.
— γραμματεῖς, 127. 18; 148. 8.
— εὔθυνος, 56. 1 and 6.
— — in Athens, 147. 6.
— ἡγεῖσθαι, 137. 4; 144. 1.
— ἠρέται, 147. 2 and 4.
— — τῶν ἑνδεκα, 139. 8.
— τιμᾶσθαι, 143. 11.
— ὠμοσία, 132. 3; 144. 9.

Iamidæ, 5. 6.
Jason of Pheræ, 178. 1.
Ἰδίαι γραφαί, 135. 7.
Idomeneus, 76. 1.
Imprisonment, 127. 2; 137. 2; 139. 5.
Ilæ, 26. 6.
Inachus, 4. 6; 17. 2.
Informations, 133. 4.
Inheritance, right of, 119. 9.
— disputes concerning, 138. 6; 141. 9; 145. 3.
— to persons dying intestate, 121.
Innessa, 84. 13.
Inscriptions, 1. 6.
Insurances, 146. 5.
Interest, compound, 106. 10.
Ion, 94—96.
Ionians, 8. 11; 96. 2. 4.
— in Ægialea, 17. 7; 185. 2.
— in Asia Minor, etc. 77, 78.
Ionic Phylæ, 94.
Iphicrates, 30. 10; 170. 5.
Iphitus, 23. 12, 13.
Ἰσηγορία, 66. 6.
Ismenias, 35. 6; 180. 15.
Ἴσον, 66. 9.
Ἰσοπολιτεία, 117. 2.
Ἰσοτελεῖς, 116. 1.
Isthmian games, 10. 14.
Italy, Greek Colonies in, 15 8; 76. 1.
Itonia Minerva, 180. 1.
Judges at Sparta, 25. 13.
— at Athens, 107. 6.
— staves, 134. 16.
Judicial power (the), 53. 7.
Jupiter Homorius, 90. 10.
— at Athens, 93. 3.
— Ἑρκεῖος, 100. 5.
— his temple at Agrigentum, 85. 13.

Κάδος, —ισκος, 143. 1.
Κακοτεχνιῶν δίκη, 145. 6.
Κακοῦργοι, 139. 12.
Κάκωσις, 133. 12; 142. 4.
Κάκωσις ἐπικλήρων, 121. 11.
Καλὴ ἀκτή, 83. 8.
Καλοὶ κάγαθοί, 58. 7.
Καρπου δίκη, 143. 16.
Κατακλησίαι, 128. 7.
— λογεῖς, 166. 13.
— λογος (ἐκ,) 67. 2.
— λυσις τοῦ ὄήμου, 163. 12.
— στασις, 152. 7.
— χειροτονεῖν, 130. 12.
Κατωνακοφόροι, etc., 19. 28—20.
Κῆμος, 143. 1.
Kings, 55, 56.
— in Laced. 25. 6—11; 44, 45.
— in Athens, 92; 102; 103. 1.
Κληροῦσθαι, 134. 13.
Κληρωταὶ ἀρχαί, 149. 1.
Κλητεύειν, 142. 10.
Κλήτορες, 140. 3.
Knights, 57. 1.
— Spartan, 29. 12.
— Athenian, 108. 5 and 11; 168. 9.
— Orchomenian, 180. 9.
Κοινὰ τὰ φίλων, 90. 5.
Κομᾶν, 30. 7.
Κῶμαι, (κατὰ,) 61. 5.
Κόρινθος, (Διὸς,) 18. 12.
Κορυνηφόροι, 19. 12.

Κόθορνος, 167. 4.
Κουρεῖον, 100. 14.
Κραναὰ, 92. 2.
Κρεανομεῖν, 100. 12.
Κριταὶ, 149. 13.
Κρυπτεία, 48. 4, 5.
Κρυπτοί, 157. 8.
Κτιστὴς, 74. 3.
Κυαμευτοί, 149. 2.
Κύρβεις, 107. 1.
Κυρία ἐκκλησία, 128. 4.
Κυρία, (ἡ), 144. 6.
Κύριος, 119. 7; 122.

Lachares, 175. 11.
Laches, 165. 3.
Λαχεῖν δίκην, 140. 4.
Λαΐου νόμος, 181. 2.
Lamachus, 165. 3.
Lamian war, 174. 13; 183. 4.
Λαμπὰς, 161. 3.
Lampsacus, 78. 10.
Laos and Scidros, 80. 21.
— battle of, 82. 15.
Lapithæ, 8. 9; 16. 4.
Larissa, 7. 9.
— in Thess. 178. 8, 9.
— in Asia Minor, 76. 11.
Larymna, 179. 6.
Law, 51. 4.
— courts of, at Sparta, 25. 13.
— — at Athens, 134—146, and 163.
— suits, at Athens, 135.
Lebadea, 179. 3.
— battle of, see Coronea.
Legislation, 53. 5.
— at Athens, 131.
Legitimization, 119. 12.
Λειπομαρτυρίου δίκη, 142. 11.
Lelantic Field, 11. 12.
Leleges, 6. 10; 7. 4; 12. 16.
Lemnos, Imbros, and Scyros, 41. 3; 117. 5; 176. 2.
Lenæa, 161. 2.
Leon of Salamis, 169. 3.
Leontini, 83. 3 and 13.
Leophron, 83. 9.
Leosthenes, 174. 13.
Leotychides, 36. 14; 47. 2.
Lesbos, 76. 6 and 9.
Leschæ, 27. 14.
Leucas, 86. 2.
Leucon, 78. 23; 172. 13.
Leucopetra, 189. 1.
Leuctra, battle of, 142. 2; 181. 5.
Lexiarchs, 128. 10.
Lexiarchicon, 123. 6; 149. 4.
Lilybæum, 85. 15.
Limitation, statue of, 143. 14.
Liturgies, 160. 2, sqq.
Lochi, 29. 5; 152. 9.
Logistæ, 154. 5, sqq.
Λογογράφοι, 142. 16.
Locri, 12. 16; 183. 9; 189.
— Epizephyr. 80. 5, sqq.; 88. 3; 89. 13.
Lots, 67. 4.
— in Athens, 112. 1; 149. 1, sqq.
— of the judges, 134. 12.
Λωποδύται, 139. 12.
Lyceum, 138. 14.
Lycortas, 188. 11.
Lyctus, 20. 8.
Lycurgus, of Sparta, 23.
— king, 50. 4.
— the orator, 174. 6.
Lycomedes, 177. 1.
Lycophron, 178. 13.
Lydiadas, 186. 14.
Lygdamis, 87. 10.
Lysander, 46. 10; 47. 1.

Macedonians, 15. 5; 177. 7.
Macedon, parties in favour of, 72. 7; 174. 10.
Machanidas, 50. 6.
Mæmacterion, 127. 6.
Magnesia, 76. 17.
Magnetes, 12. 7. and 15.
Μακρὰν τιμᾶν, 143. 1 and 12.
Malians, 12. 15.
Μάλθη, 142. 8.
Mamertines, 83. 10.
Mantinea, 41. 8; 42. 6; 187. 5.
— battle of, (B.C. 418) 38. 14; 39. 1.
—— (B. C. 362), 42. 19.
—— (B. C. 208), 50. 7; 188. 2.
Mariandyni, 19. 17.
Marcus, of Cerynea, 185. 5.
Marriage, at Athens, 119.
Mariage, Spartan laws of, 27. 11.
Massilia, 78. 28.
Μαστῆρες, 133. 2.
Mazaca, 89. 7.
Μὴ οὖσα δίκη, 145. 1.
Medon, 102. 9.
Μεγάλη Ἑλλας, 80. 1.
Megalopolis, 42. 7; 177. 2.
Megara, 18. 10—12; 92. 9; 182. 13; 185. 7.
— decree, respecting, 37. 13.
— its colonies, 86. 13, sqq.
— a Roman colony, 189. 9.
— in Sicily, 84. 3; 85. 1.
Μεῖον, 100. 11.
Melanthus, 102. 6.
Melians, 12. 15.
Melos, 79. 11.
Mende, 81. 6.
Menestheus, 102. 1.
Μήνυσις, 133. 4.
Mercatus, 10. 8.
Mercenaries, 30. 11; 171. 15.
Μέρη (ἐν τοῖς μ.), 152. 13.
Mesembria, 86. 13.
Μεσίδιος ἄρχων, 178. 12.
Messana, 83. 9, 10.
Messenia, 17. 11; 18. 4.
— War, 31.
— third war, 37. 4.
— restoration of, 42. 9.
Messenians in Rhegium, 82. 10.
Metapontum, 80. 25.
Methone, 81. 6.
Metics, 115.
Metionidæ, 93. 7.
Meton, 127. 6.
Μητρῷον, 127. 8.
Metronomi, 150. 12.
Micythus, 83. 9.
Miletus, 77. 21; 87. 8.
— its colonies, 78. 2, sqq.
Μεμιλτωμένον σχοίνιον, 128. 11.
Military, system of the Lacedæmons, 29, 30.
— Athenians, 152.
Minervæ calculus, 143. 4.
Mines of Attica, 126. 7; 136. 7; 156. 1; 162. 19.

Mines, suits relating to, 146. 8.
Minos, 6. 11; 20. 7.
Minyæ, 18. 17.
— from Lemnos, 79. 13.
Μισθοφορά, 68. 7; 159. 5.
Mithridates, 78. 23.
— war with, 176. 9.
Μνάμων, 14. 9.
Μνησικακεῖν (μὴ) 169. 6.
Mnoitæ, 22. 7,
Monarchy, 55 and 56.
Money, 1. 5.
— at Sparta, 28. 3.
Months, the Athenian, 127. 6.
— intercalary, 127. 6.
Mopsopia, 91. 8.
Mora, 29. 5.
Mortgages, 106. 9.
Mothones, 24. 15.
Museum in Athens, 175. 12.
Μυστακα τρέφειν, 30. 7.
Music in Sparta, 27. 4.
Mycenæ, 17. 9; 18. 13; 36. 13.
Mycale, 77. 18.
Mylæ, 83. 6.
Μύριοι, (οἱ) 42. 7.
Myronides, 158. 5; 169. 1.
Μυστηριωτίδες σπονδαί, 10. 7.
Myscellus, 80. 17.
Nabis, 50. 8.
Νᾶσος, 84. 7.
Naucraries, 99. 5; 103. 13; 111. 4; 161. 9.
Naucratis, 78. 12.
Nausinicus, 162. 12.
Ναυτικὸς ὄχλος, 61. 7.
Nautodicæ, 146. 4.
Navarchs, 46. 6.
Navigation, 6. 5.
— courts of law concerning, 146. 4.
Naxos, in Sicily, 83. 2.
Naples, 82. 5.
Neith, 91. 15.
Neleus, 77. 2; 172. 10.
Nelidæ, 17. 12.
Νέμειν προστάτην, 115. 5.
Nemean games, 10. 14.
Neodamodes, 24. 14; 48. 7.
Neptune, 93. 6; 96. 11.
— (Erechtheus), 92. 7.
— Heliconian, 77. 19.
Nexum, 106. 10.
Nicias, 164. 6.
Nicomedia, 86. 11.
Nicopolis, 14. 19; 184. 23.
Nobles, 57. 4.
Nobility, 153. 11.
Nomination, elections by, 130. 4; 149.
Νομῳδός, 89. 7.
Nomophylaces, 129. 15.
Nomothetæ, 131. 4.
Νόθοι, 100. 9; 118. 2.
Notium, 77. 16.
Nullity of judgment, suits for, 145. 4.

Oath of the Ephebi, 123. 7.
— of members of the council, 126. 2.
— of the judges, 131. 1; 134. 10.
— of the Diætetæ, 145. 20.
Obæ in Sp. 24. 5.
Ochlocracy, 52. 9.
Odeum, 134. 15.
Odessus, 78. 22.
Œniadæ, 184. 3.
Œnophytæ, 37. 7; 180. 4.
Œnoe, 102. 5.
Office, time of, 148. 8.
Officers, public, 53. 6, 7; 54.
— in Sparta, 25.
— in Athens, 125. 1; 137. 9, 10; 138. 3; 145. 7—9; 148. 5.
— in Bœotia, 180. 12—14.
— in Ætolia, 184. 9.
— in Achaia, 186. 7.
Οἰνιστήρια, 100. 12.
Ogyges, 92. 4.
Olbia, 78. 21.
Oligarchy, 58—60.
Oligarchs, 70.
— in favour of Sparta, 39. 3.
— at Athens, 160. 9, sqq.; 174. 11.
— in Bœotia, 180. 5.
Olympiads, 4. 1.
Olympic games, 10. 13; 23. 11.
Olympiodorus, 175. 13.
Olynthus, 41. 10; 80. 9, 10; 172. 16.
Ὅμοιοι, 24. 16; 47. 13.
Onchestus, 11. 8.
Ὀπισθόδομος, 151. 8.
Oracles, consulted on sending out a colony, 75. 4.
— forged, 165. 15.
Orators, 129. 6.
— in the courts of law, 142.
Orchomenos, 15. 17; 179. 9; 180. 9; 181. 6.
Orestes, 17. 10; 79. 4.
Ὀργεῶνες, 99. 10.
Orneatæ, 19. 4; 36. 13.
Oropus, 172. 10; 174. 2; 176. 3; 179. 7; 182. 6.
Orthagoridæ, 65. 2.
Orthia, 26. 7.
Ortygia, 84. 7.
Ὄρυγμα (ὁ ἐπὶ), 139. 8.
Ostracism, 66. 13; 111. 16—18; 130. 7.
Othryades, 33. 9.
Οὐλαμοί, 29. 10.
Οὐσίας δίκη, 143. 16.
Oxylus, 17. 17.

Paidonomus, 26. 14.
Pæstum, 80. 26.
Παῖδες ἰατρῶν, etc. 5. 7.
Παλινδικία, 145. 3, 4.
Παλιντοκία, 63. 1.
Palladium, 104. 10.
Pallantidæ, 92. 8 and 12.
Pambœotia, 180. 1.
Panathenæa, 93. 10; 161. 2.
Pandia, 94. 9, 10.
Pandion, 92. 8.
Pandosia, 15. 8; 80. 13.
Πανέλληνες, 8. 12.
Panhellenia, 189. 15.
Panionia, 77. 18.
Πανηγύρεις, 10. 11.
Panticapæum, 78. 23.
Παράβολον, 140. 16.
— βυστον, 139. 9.
— ἐγγραπτὸς, 123. 15.
— ἕδροι, 138. 12; 149. 12.

Παρεδροι of the Logistæ, 154. 12.
— ἐκβάσεις, 52. 8.
— γραφή, 141. 5; 144. 4.
— καταβολή, 140. 13.
— κλητοί, 142. 14.
— νόμων γραφή, 132. 1; 145. 8.
— στασις, 140. 10; 145. 12.
— στάται, 139. 8.
Paralii, 91. 10; 106. 2.
Parorea, 15. 20.
Paros, 78. 6.
Παῤῥησία, 66. 6.
Parthenii, 80. 3.
Parthenope, 82. 5.
Partnerships, 146. 9.
Parysades, 78. 23.
Παθεῖν ἢ ἀποτῖσαι, 143. 10.
Πάτρα, 99. 6.
Patræ, 189. 7.
Patroclides, 168. 2.
Patroclus, 175. 16.
Patronomi, 50. 21.
Pausanias, 35. 7; 36. 5; 46. 11.
Peace of Antalcidas, 41. 1; 180. 10.
— of Cimon, 39. 10.
— of Callias, 41. 16; 170. 10.
— of Nicias, 38. 4.
— of Pericles, 37. 10.
— of Philocrates, 172. 19.
Πέδαι Ἑλλάδος, 188. 7.
Pediæi, 106. 2.
Πειθαρχία, 26. 8.
Pelasgi, 7. 8, sqq.
— in Attica, 91. 5.
Πελασγικὸν, 6. 9.
Πελάται, 60. 5.
Pelopidas, 181. 1.
Peloponnesus, the, 17.
Peloponnesians, 177. 4.
— League, 34.
Pelops, 4. 6.
Penestæ, 19. 4; 178. 6.
Pentacosiomedimni, 108. 5; 109. 1; 112. 7.
Πεντηκοστή, 126. 8.
Pentecostys, 29. 5.
Penthilus, 76. 4.
Periander, 64. 5; 65. 4.
— law of, at Athens, 161. 15.
Pericles, 37. 10; 118. 6; 159. 1, sqq.; 165. 1.
Perinthus, 78. 8; 173. 10.
Periœci, 19. 1—7; 24. 11; 28. 7; 48. 7—9.
Περίπολοι, 123. 9.
Περιστίαρχοι, 129. 1.
Perrhæbi, 12. 14; 178. 6.
Persians, 39. 10—12; 40. 11.
Petalism, 66. 13.
Petes, 91. 18.
Pledges, 143. 15.
Phalanthus, 80. 3.
Phalaris, 85. 10.
Phalces, 18. 8.
Φανερὰ οὐσία, 162. 14.
Pharsalus, 178. 8, 10.
Phasis, 136. 2, sqq.; 144. 4.
Φατρία, 99. 6.
Pheræ, 178. 13, sqq.
Φερνή, 122, 2.
Phiditia, 28. 11.
Phidon, 33. 3—7.
Philip Amyntas, 172. 7; 172. 14; 178. 16; 182. 4.
— son of Demetrius, 176. 1; 187. 8, sqq.
Philocles, 35. 6.
Philoctetes, 76. 1.
Philolaus, 180. 8.
Philopœmen, 50. 13; 186. 6; 188. 1, sqq.
Philotas, 77. 13.
Phintias, 85. 7.
Phlius, 41. 9.
Phocæa, 77. 15.
Phocis, 182. 1; 183. 9.
Phocion, 173. 6; 174. 14; 175. 1.
Phœbidas, 41. 11.
Φονικὰ, 104. 2.
Phoroneus, 17. 2.
Phratriæ, 98—100; 119. 8.
Phrcatto, 104. 12.
Φρουρὰν φαίνειν, 45. 3.
Phrynichus, 167. 7.
Phthiotis, 8. 4; 178. 6.
Φυγή, 71. 3.
Φυλετικὰ δεῖπνα, 161. 5.
Φυλοβασιλεῖς, 98. 5; 101. 5.
Phylarchs, 111. 10; 152. 2.
Physicians, 5. 8.
Pisander, 166. 13.
Pisistratus, 110. 2.
Pitanatæ, 29. 9.
Pithecusæ, 82. 2.
Pittacus, 63. 9.
Platæa, 35. 1; 117. 2, 3; 170. 16; 179. 5; 181. 6.
Pleistoanax, 47. 2.
Plutarchus of Eretria, 172. 10.
Πλουτοκρατία, 59. 7.
Pnyx, 128. 9.
Ποδοκάκκη, 139. 6.
Polemarchs in Sparta, 29. 6.
— at Athens, 138. 8.
— in Bœotia, 180. 13.
— in Ætolia, 184. 11.
Poletæ, 115. 9; 151. 2.
Πολιτεία, 52. 5.
Πολιτοφύλακες, 178. 12.
Police, 109. 9; 113. 8; 150. 7, sqq.
Pollis, 20. 8.
Polydamas, 178. 12.
Polycrates, 32. 6; 64. 3; 87. 10.
Polysperchon, 175. 1.
Pontus Euxinus, 78. 13.
Poristæ, 151. 12.
Posidonia, 80. 26.
Possession, contested claim to, 140. 13—15.
Potidæa, 86. 1.
Prætor, of Achaia, 189. 2.
Πράκτορες, 151. 4.
Πρᾶσιν αἰτεῖσθαι, 114. 7.
Πρείγιστος, 21. 6.
Priene, 77. 13.
Priests, 149. 14.
Priestly races, 5. 5.
Priesthood of the kings, 56. 10.
Privilegia, 130. 6.
Προβάλλεσθαι, 130. 4.
— βολή, 130. 12.
— βουλεύειν, 125. 8.
— βουλοι, 54. 5; 166. 11.
— γραμμα, 128. 8.
— δικασία, 105. 10.
— δικος δίκη, 145. 18.
— εδρία, 116. 3.
— εδροι, 127. 9.

Προεισφορὰ, 162. 13.
— *θεσμία*, 141. 5; 143. 14.
— *κατάρχεσθαι*, 74. 6.
— *κλησις*, 141. 16, 17.
— *μετρηταὶ*, 150. 13.
— *ξενία*, 116. 4.
— *ῥησις*, 105. 9.
— *σέλῆνοι*, 17. 4.
— *στάτης*, 115. 5.
— — *τοῦ δήμου*, 63. 3; 69. 4.
— *χειροτονία*, 129. 9.
Proconsul of Achaia, 189. 11 and 20.
Προὶξ, 122. 2.
Procles and Eurysthenes, 18. 5.
Proconnesus, 78. 19.
Prometheus, 178. 1.
Promethei, 161. 3.
Proofs, legal, 141. 11.
Προσκατάβλημα, 126. 14.
—— *κλησις*, 140. 2.
—— *τάξεις*, 124. 8.
—— *τιμᾶν*, 143. 13.
—— *τιμον*, 144. 1.
Prosecutions, consequences of letting them fall, 144. 3.
Prosecutor, his danger, 144. 1, sqq.
Protagoras, 89. 9.
Πρυτάνεις, 56. 11.
— at Athens, 127. 5, sqq.
Prytaneum, 74. 1.
— at Athens, 101. 6.
— court of the, 104. 16.
— maintenance in the, 127. 13.
Πρυτανεῖα, 140. 8.
Ψήφισμα, 67. 8; 129. 11.
Pseudeponymi, 138. 5.
Ψευδοκλητεία, 140. 7.
Ψευδομαρτυριῶν *δίκη*, 141. 10; 145. 3, 4.
Ptolemais, tribe of, 175. 9.
Puteoli, 82. 4.
Pyanepsion, 127. 6.
Pylagoræ, 14. 2—5.
Πύλαια, 14. 2.
Pylus, 17.-13.
Pythagoras, 90.
Πύθιοι, 23. 9.
Pythian games, 13. 8.
Pythodoris, 78. 23.

Register of the Demi, 123. 6.
Responsibility, 53. 11; 147. 6.
Revenue, Athenian, 126. 5.
Rhadamanthus, 20. 7; 141. 3.
Rhegium, 82. 9.
Ῥητὰ *γέρα*, 55. 8.
Ῥήτρα, 23. 7, 8.
Rhodes, 79. 2—5.
Right, notion of, 54. 4; 72. 2.
Romans, the, 184. 14; 188. 9; 189.

Sabinum, 80. 16.
Sacra Privata, 120. 6.
Sagra, battle of, 80. 10.
Sais, 91. 15.
Σαλαμινία, 140. 3.
Salamis, 117. 5; 169. 3; 175. 21.
Samos, 77. 8, 17; 172. 4.
— siege of, 159. 10.
Samothrace, 78. 7.
Sandvicense Marmor, 11. 12.
Satyrus, 167. 18.
Scamandrius, 141. 13.
Scaphephoria, 115. 10.
Scarphea, battle of, 189. 1.
Sciadephoria, 115. 10.
Scione, 81. 6.
Sciritæ, 29. 11.
Slaves, 9. 8.
— in Crete, 22. 7—9.
— in Athens, 114; public, 147. 4.
Scopadæ, 178. 10.
Scopas, 184. 12.
Scyros, 13. 5; 41. 3.
Σκυτάλη, 45. 4.
Scythians, 78. 20.
— at Athens, 129. 13.
Securities, 126. 4.
— oath taken by, 123. 7.
— number required, 99. 4.
— defalcatory, 123. 15.
Σεισαχθεία, 106. 6.
Self-defence, 104. 14.
Selgæ, 79. 4.
Selinus, 85. 8.
Sellasia, 49. 11.
Σελλοί, 8. 5.
Selymbria, 86. 14.
Senate, 54.
— in Crete, 21. 6.
— in Sparta, 25. 3.
Senate, in Athens, 103. 1; 125—127; 133. 9; 147. 12; 148. 10—14.
— in Achaia, 186. 2.
— the four in Bœotia, 179. 13.
Sept. Severus, 176. 25.
Sestus, 76. 16.
Seven against Thebes, 8. 9; 17. 10.
Sicily, 83. 1, sqq.
Sicyon, 17. 5; 185. 6.
Simonides, 178. 11.
Sinope, 78. 15.
Siris, 80. 24.
Sisyphidæ, 17. 6.
Σίτησις *ἐν Πρυτανι*, 127. 16.
Σιτῶναι, 150. 11.
Sitophylaces, 150. 11.
Σκιὰς, 127. 13.
Σκυταλισμὸς, 71. 4.
Σκῆπτρον, 55. 6.
Smyrna, 76. 18.
Sophronistæ, 150. 4.
Solon, 104. 1; 106—109; 162. 11.
Sparta, allies of, 34.
— pretended citizens of, 123. 15.
— *κῶμαι*, of, 24. 7.
— fortified, 49. 11.
Σπαρτοὶ, 180. 9.
Spartocus, 78. 23.
Spina, 15. 8.
Σπονδαὶ, —*οφόροι*, 10. 9.
Σπουδαρχαὶ, 130. 3.
Squadron, thesacred, 181. 2.
State, a, 51. 3.
Stagira, 81. 7.
Στασιωτεῖαι, 52. 8.
Στεφανοῦν, 126. 16.
— *ἐστεφανωμένος*, 124. 4.
Στηλιτεύειν, 144. 11.
Strategi, 128. 6; 146. 2; 152, 153.
— *ἐπὶ τοὺς ὁπλ.*, 176. 14.
— in Thess. 178. 16.
— in Ætol. 184. 9.
— in Achaia, 185. 5; 186. 11.
Στρατιωτικὰ, 171. 13.
Stratocles, 175. 5.
Stratus, 184. 3.
Subalterns, 147. 2.
Substitutes, 149. 6.
Summary proceedings, 137.

Summons, 140. 2.
Superannuation, 141. 5.
Suppliants, 10. 2.
Sybaris, 80. 18, sqq.
Συγγραφεῖς, 166. 13.
— γράφεσθαι, 129. 11; 142. 16.
— κλητοὶ, 54. 4; ἐκκλ. 128. 5; 186. 5.
— κρητισμός, 21. 2.
Sycophancy, 69. 11.
— in Athens, 163. 9.
— punishment of, 136. 10.
Sylla, 176. 9.
Συλλογεῖς, 151. 5.
Σύμβολον, 134. 17.
— (δίκ ἀπὸ), 116. 5; 157. 6.
Σύμβουλοι, 45. 7; 138. 13.
Symmoriæ, 161. 15; 162. 12.
Συνδικεῖν, 142. 14.
— δικοι, 151. 5; 154. 13.
— διώκειν, 99. 9.
— ἑδριον τῶν Ἑλλήνων, 12. 13; 35. 6.
— ἡγοροι, 131. 7; 132. 10; 133. 1; 142. 14.
— οικία, 97. 8.
— οικισμὸς, 61. 8.
— σκηνοι, 28. 12.
— τελεῖν, 179. 9, 10.
— τριηραρχεῖν, 161. 13.
— ωμοσίαι, 70. 2.
Syracuse, 84. 2, sqq.
Syssitia, 22. 5; 28. 10.

Ταγὸς, 178. 7.
Talthybiadæ, 5. 6.
Ταμίας, 151. 7, sqq.
Tamynæ, 172. 10.
Tanagra, 179. 3.
Tarentum, 80. 2.
Tauromenium, 83. 12.
Taxable capital, 108. 8; 162. 12.
Taxes on property, 162. 8.
Τάξεις, 152. 9.
Taxiarchs, 152. 2.
Tegea, 32. 3; 34. 10.
Tectamus, 20. 6.
Teleontes, 94. 6, 7.
Telesilla, 33. 11.
Τέλη, 45. 1.
— in Athens, 108. 5.
Τελεῖν θητικὸν, 108. 9.
Τελῶναι, 126. 12.
Telys, 80. 20.
Τεμένη, 55. 8; 126. 6.
Ten, board of, 169. 4.
— prevalence of the number, 111. 3.
Tenedos, 76. 7.
Teos, 77. 12.
Terina, 80. 14.
Tetrapolis Dor., 16. 7.
— Att. 91. 11.
Thalassocratia, 6. 7.
Thargelia, 100. 13; 161. 2.
Thasos, 78. 6.
Theatre, 128. 9.
Thebes, 35. 2; 36. 3; 37. 5; 40, 41; 170. 15; 180. 2; 182. 7.
— in Phthiotis, 184. 3.
Theft, at Sparta, 27. 9.
Themison, 172. 10.
Themistocles, 36. 2; 155. 1; 156. 3.
Theodosia, 78. 23.
Theopompus, 43. 3, 4.
Theoricon, 151. 17; 171. 10.
Thera, 79. 12.
Theramenes, 167. 2; 168. 3, 14.
Thermæ, 83. 16.
Thermopylæ, 14. 3; 172. 20; 183. 7.
Thermus, 184. 7.
Theron, 85. 10.
Theseus, 97.
— the several, 96. 12.
Theseum, 114. 7; 149. 3.
Thesmothetæ, 138. 10; 146. 4; 148. 9; 149. 3.
— i. q. ἄρχοντες, 109. 2.
Θεσμοὶ, 104. 7.
Thespiæ, 179. 3; 180. 9; 181. 6.
Θῆσσαι, 121. 9.
Thetes, 19. 22; 60. 5; 101. 8; 108. 5, sqq.
Θίασος, 99. 10.
Θόλος, 127. 13.
Thirty tyrants, the, 168. 5, sqq.
— judges, the, 146. 10.
— day's delay, in law, 147. 9.
Thracians, 15. 9.
Θράκη (ἐπὶ), 81. 5.
Thrasybulus, 167. 5, 12—14; 169. 1; 170. 6.
Thucydides, 164. 4.
Thurii, 80. 22; 89. 4, 5.
Thymœtas, 102. 6.
Thyrea, 33. 8.
Τίμημα, 143. 5—13; 162. 12.
Τιμήματα, 108. 5.
Timesias, 75. 7.
Timocracy, 59. 8; 67. 1; 88. 1; 189. 2.
Timotheus of Athens, 170. 9; 172. 8, 11.
— of Miletus, 27. 4.
Tiryns, 18. 13.
Tisamenus, 169. 9.
Tithes, 151. 6.
Tlepolemus, 16. 1; 79. 3.
Tolls, 126. 8.
Tolmidas, 158. 5.
Torture, 141. 13.
Τοξόται, 129. 13.
Trapezus, 78. 16.
Treasurers, 151. 6, sqq.
Τριακὰς, 99. 3.
Τριακόσιοι, 161. 17.
Tribes, of the Dorians, 20. 3.
— Spartan, 24. 6.
— Athenian, 93.
— Ionic, 5. 4; 94; 95.
— Clisthenic, 111. 2.
— new Athenian, 175. 7; 176. 21.
— in the army, 152. 6.
— judges, of, 145. 17.
Tribute, 157. 10; 172. 3.
Trierarchy, 161. 8.
Τριηροποιοὶ, 161. 11.
Τριγονία (ἐκ), 148. 5.
Τριώβολον, 134. 19.
Triopian Apollo, 79. 7.
— inscriptions, 176. 24.
Triphylia, 15. 20.
Τριτοπάτορες, 102. 2.
Τριττὺς, 98. 6; 99. 5.
Troas, 76. 14.
Troy, destruction of, 4. 2.
Tydeus, 167. 15.
Tyrants, 32. 6; 63—65; 72. 3; 87. 10; 186. 13.
Tyrrheni, 6. 8, 9; 15. 21.
Tyrtæus, 31. 8.
Velia, 78. 27.
Vespasian, 189. 13.
Vibo Valentia, 80. 27.
Votes, in Sparta, 24. 2.
— in Athens, 130. 1.
— of the knights, 143. 1, sqq.

Votes, secret, 130. 5.
— 6000, when required, 130. 6.
Vulcan, 93. 4.

War, laws of, 9. 3.
— the sacred, 13. 16.
Wills, 120.
Witnesses, 142. 6, sqq.
— false, 145. 5.
Women, at Sparta, 27. 11, 12.
— at Athens, 122. 9.
— their right of inheritance, 121.

Xenagi, 34. 4.
Ξενηλασία, 28. 1.
Ξενίας δίκη, 123. 13; 145. 3.
Ξένος, 9. 2; 115. 3; 118. 1.
Xuthus, 96. 3—7.
Year, commencement of the, at Sparta, 44. 2.
—— at Athens, 127. 6.
Zaleucus, 88; 89.
Zancle, 83. 5.
Zea, 105. 3.
Ζητηταί, 133. 2; 151. 5.
Zeugitæ, 108. 5.

THE END.

List of the editions of the Greek Classics to which reference has been made in the quotations in this work.

The great variety in the pages and subdivisions of the Greek authors which has arisen from the numerous editions through which they have passed, particularly of late years, compels the author of this compendium to subjoin the following list of the editions from which his quotations are made. Some of these editions are, he confesses, not the most accessible, but it was impossible for him in every case to alter his original references; he trusts that the uniformity and correctness with which they have been made, will be some compensation for this defect. In the tragœdians he has uniformly quoted the editions of Æschylus, by Schütz, of Sophocles, by Hermann, of Euripides, by Matthiæ. The text of Aristophanes has been cited from the edition of Invernizzi, but the scholiast from that of Bekker, (Lond. 1829.) Plato is quoted according to the pages of the edition of Stephanus; Xenophon, by the chapters and sections of Schneider's edition. The Politics of Aristotle have been cited from Schneider's edition, the Ethics, from Zell's, (Heidelb. 1820.) the Rhetoric, from Buhle's, (Bipont. 1793. t. iv.) as also the Rhetorica ad Alexandrum, (t. v.), which, however, he has not scrupled (following the authority of Victorius and Spengel, Artt. Scriptt. p. 182, sqq.), to quote under the name of Anaximenes, as he has also ascribed the Oration de Halonneso to Hegesippus; (compare Voemel's Herbstprogr. 1830.) The speeches of Demosthenes are quoted according to the pages of Reiske's edition, except in the speeches for Leptines and Midias, in which he has preferred the paragraphs of Wolf and Buttmann; Ulpian's Scholia have been quoted according to the edition of Hieronymus Wolf, (Basil, 1572, fol.) Æschines is cited according to the edition of Bremi, (Zurich, 1823.) Lycurgus, according to the chapters of Hauptmann's edition, which have been followed by A. G. Becker, Blume, and other editors. Isocrates is quoted by the pages of the lesser edition of Hieron. Wolf, (Gr. and Lat. Basil. 1587, 8vo.) excepting the oration περὶ ἀντιδόσεως, for which Orelli's edition, (Zürich, 1814, 8vo.) is preferable; for the other orators he has referred to the paragraphs of Bekker's edition, which have been retained by Schmidt in his Dinarchus, (Lips. 1826,) by Förtsch, in his Lysias, (Lips. 1829), and by Schömann in his Isæus, (Cryph. 1831.) The author has used the edition of Polybius, by Schweighæuser, of Dionys. Halicarnass., by Reiske's Strabo, by Almeloveen, (Amstel. 1707, fol.) of Dio Chrysostom, by Morell, (Paris, 1604, fol.) of Maximus Tyrius, by Reiske, of Plutarch, by Hutten, Pausanias, by Facius, (Lips. 1794.) of Athenæus, by Dindorf, (Lips. 1827.) In referring to Harpocratio, he begs the reader to remark that he has used the text of Maussac's edition, (Paris, 1614,) the notes of that of Gronovius, (L. B. 1696.)

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